



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 13, 2010

Wendellyn J. Briggs
City Clerk/Freedom of Information Officer
100 E. Phoenix Avenue
P.O. Box 589
Normal, IL 61761-0589

RE: Pre-Authorization Request – 2010 PAC 7259

Dear Ms. Briggs:

We have received and reviewed the written notice from the Town of Normal (Town) of its intention to deny certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA). The Town is seeking to redact dates of birth, all matters reflecting the health of the driver(s) and any witnesses, and insurance policy numbers from the requested documents.

██████████ of ██████████ submitted a FOIA request on April 23, 2010 for all accident reports from April 18, 2010 – April 30, 2010. In its written notice, the Town asserted that insurance policy numbers are exempt from disclosure as under Section 7(1)(b) of FOIA as private information. In addition, the Town asserted that the dates of birth and all matters reflecting the health of the driver(s) and any witnesses are exempt from disclosure under Section 7(1)(c) of FOIA.

“‘Private information’ means unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person.” 5 ILCS 140/2(c-5).

Section 7(1)(c) of FOIA exempts from inspection and copying “[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless disclosure is consented to in writing by the individual subjects of the information.” 5 ILCS 140/7(1)(c). The exemption defines “[u]nwarranted invasion of personal privacy” as “the disclosure of information that is highly personal or objectionable to a reasonable

person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." *Id.*

Determinations

First, we have determined that insurance policy numbers do not meet the definition of "private information" as defined in Section 2(c-5) of FOIA. However, insurance policy numbers are exempt from disclosure under Section 7(1)(c) and the Town's use of this exemption for insurance policy numbers is approved. This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. Disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

Second, the Town's use of the Section 7(1)(c) exemption with regard to dates of birth and all matters reflecting the health of the driver(s) and any witnesses is approved. We have determined that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

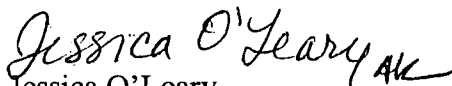
Accordingly, the Town may issue a partial denial letter and release the record with the dates of birth, all matters reflecting the health of the driver(s) and any witnesses, and insurance policy numbers redacted, if it has not already done so.

If you have any questions, please feel free to contact me at (312) 814-1003. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


Jessica O'Leary
Assistant Attorney General

cc:

