



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

June 7, 2010

Ms. Nicole M. Wickham
Freedom of Information Officer
Aurora Police Department
1200 East Indian Trail Road
Aurora, Illinois 60506-1896

RE: Pre-Authorization Request – 2010 PAC 7601

Dear Ms. Wickham:

We have received and reviewed the written notice from the City of Aurora Police Department (Department) of its intention to deny disclosure of certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. This letter is to advise you that your request is approved in part and denied in part.

Zoe Harvey-Ellis of Hupy and Abraham, P.C., submitted a FOIA request dated May 13, 2010, seeking accident reports for the period of May 6, 2010, through May 12, 2010. In its written notice, the Department asserted that dates of birth and insurance information, including the issuing company and policy number, are exempt from disclosure under Section 7(1)(c) of FOIA.

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

The Department’s use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 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.

However, the Department's use of Section 7(1)(c) to withhold insurance company information, including the name of the insurance carrier and insurance policy numbers, is denied. We have determined that the disclosure of this information is not highly objectionable to a reasonable person. The subjects' privacy interests are minimal, and the legitimate public interest in obtaining this information outweighs this slight privacy interest. Therefore, the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c).

In accordance with this letter, the Department may release the requested records to the requester. If you have any questions, please call me at 312-814-5206. This letter shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: 

Amalia Rioja
Chief Deputy Public Access Counselor

cc: Zoe Harvey-Ellis
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