



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 16, 2010

Wendellyn J. Briggs
Freedom of Information Officer
Town of Normal
100 East Phoenix Avenue
P.O. Box 589
Normal, IL 61761-0589

RE: Pre-Authorization Request — 2010 PAC 7760

Dear Ms. Briggs:

We have received and reviewed the written notice from the Town of Normal (Town) 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.

Shanna Gara, of Liberty Mutual, submitted a FOIA request dated May 24, 2010, seeking police report number 10-A557. In its written notice, the Town asserted that dates of birth and all matters reflecting the health of the driver(s) are exempt from disclosure under Section 7(1)(c) of FOIA.

Determination

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.*

The Town’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). 5 ILCS 140/7(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.

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The Town's use of the exemption in Section 7(1)(c) with regard to "all matters reflecting the health of the driver(s)" is denied. We have determined that the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). We have determined that the Town has not met its burden to demonstrate a basis for redacting this information.

As such, the Town may issue a partial denial letter directly to the requester and release the records with the appropriate information redacted.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

A large black rectangular redaction box covering the signature of the Chief Deputy Public Access Counselor.

Chief Deputy Public Access Counselor

cc: Shanna Gara
Claims Department
Claim #14920867-02
Liberty Mutual
P.O. Box 1848
27201 Bella Vista Pkwy, Suite 400
Warrenville, IL 60555