



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 10, 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 7842

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 pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7.

Frank Lowry of Hausmann-McNally Law Offices submitted a FOIA request dated June 4, 2010, seeking copies of all accident reports from May 15, 2010 through May 31, 2010. In its written notice, the Town asserted that dates of birth and all matters reflecting on the health of the driver(s), witnesses and passengers listed in certain reports are exempt from disclosure under Section 7(1)(c) of FOIA.

Determinations

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." 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

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information." *Id.*

The Town's use of the exemption in Section 7(1)(c) to redact dates of birth was approved in our letter to you dated June 17, 2010 . We are not re-addressing this issue in this letter.

The Town's use of the exemption in Section 7(1)(c) to redact "health information" contained in these reports, however, is denied. The redacted information consists only of general statements about possible injuries that occurred during several traffic accidents. The reports do not reference specific medical conditions, diagnoses, treatments or other protected information. Accordingly, we have determined that the Town has not met its burden of establishing that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c).

In accordance with this determination, the Town may issue a partial denial letter directly to Mr. Lowry, and may redact from the accident reports references to dates of birth of driver(s), witnesses and passengers.

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:

Amalia Rioja
by EK

Amalia Rioja
Chief Deputy Public Access Counselor

cc: Frank Lowry
903 N. 4th Street
Petersburg, Illinois 62675