



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 23, 2010

Ms. Colleen Gillaspie
FOIA Officer
Henry County
307 W. Center Street
Cambridge, Illinois 61238

Re: 2010 Pre-Authorization Request 8008

Dear Ms. Gillaspie:

We have received and reviewed the written notice from Henry County (County) of its intention to withhold 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.

Specifically on May 24, 2010, Roger Hurlbert submitted a FOIA request seeking a copy, on CD, of "real property assessment data, including valuations for the 2009, payable 2010 year."

On June 14, 2010, the County submitted a pre-authorization request with our Office asserting that this information is highly personal and may be properly withheld pursuant to Section 7(1)(c), which 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 County's request for approval of its decision to withhold the real property assessment data pursuant to Section 7(1)(c) is denied. In its letter, the County asserts that such things as home addresses and the names of taxpayers should be redacted pursuant to Section 7(1)(c).

A public body that asserts that records are exempt under Section 7(1)(c) must provide written notice to the Public Access Counselor of its intent to deny the request in whole or in part and

include a detailed summary of the public body's basis for asserting the exemption. 5 ILCS 140/9.5(b).

Other than its belief that the Sage will market this information to other companies, the County does not provide us with a detailed summary as to why disclosure of this information falls within the scope of Section 7(1)(c) and constitutes a highly invasion of an individual's personal privacy.

Furthermore, any issues that deal with "personal identifiers" such as home addresses, fall under Section 7(1)(b), which allows the withholding of "[p]rivate information, unless disclosure is required by another provision of this Act, a State or federal law, or a court order. While the property assessment information contains "private information," this is trumped by the text of the Property Tax Code.

Section 9-20 of the Property Tax Code provides:

In all counties, all property record cards maintained by a township assessor, multi-township assessor or chief assessment officer shall be public records, and shall be available for public inspection during business hours, subject to reasonable rules and regulations of the custodian of the records. Upon request and payment of such reasonable fee established by the custodian, a copy or printout shall be provided to any person.

Property record cards may be established and maintained on electronic equipment or microfiche and that system may be the exclusive record of property information. 35 ILCS 200/9-20 [emphasis added].

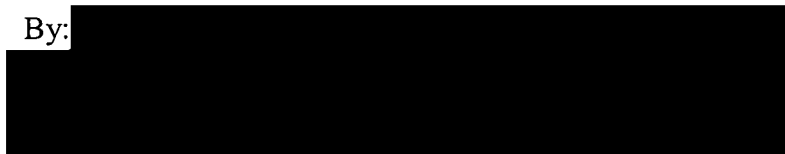
Please be advised, however, that in 2010 PAC 6161, our Office found that the Property Tax Code supersedes personal identifiers contained within a property record card.

Based on this analysis, the County has not met its burden under Section 7(1)(c) and should disclose the real property assessment data.

Sincerely,

Cara Smith
Public Access Counselor

By:



Matthew C. Rogina
Assistant Public Access Counselor

cc: Mr. Roger Hurlbert
Sage Information Systems
13606 Arnold Drive