

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 26, 2010

Mr. Michael S. Recupito
FOIA Officer
Round Lake Police Department
741 West Town Line Road
Round Lake, IL 60073-5709

RE: Pre-Authorization Request – 2010 PAC 8380

Dear Mr. Recupito:

We have received and reviewed the written notice from the Round Lake Police Department (Department) of its intent to deny disclosure of certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c).

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.*

Determination

The Department's use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. We have determined that disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c) of FOIA. This information is highly personal by its very nature, and the subjects' right to privacy with respect to this information outweighs any legitimate public interest in obtaining it.

The Department's use of the exemption in Section 7(1)(c) with regard to medical and emergency contact information is approved. We have determined that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under section 7(1)(c) of FOIA. 5 ILCS 140/7(1)(c). An individual's medical and emergency contact information is

highly personal, and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. 5 ILCS 140/7(1)(c).


With respect to offenses involving the consumption of alcohol, however, information pertaining to an individual's blood alcohol level would be considered evidence of the offense, and not medical information. Therefore, such information cannot be redacted pursuant to the exemption in Section 7(1)(c).

If you have any questions, please feel free to contact me at (312) 793-0865.

Sincerely,

Cara Smith
Public Access Counselor

By:


Sara Gadola Gagnier
Deputy Public Access Counselor

cc: Metropolitan Reporting Bureau
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