



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 15, 2010

Michael S. Recupito
FOIA Officer
Round Lake Police Department
741 West Town Line Road
Round Lake, Illinois 60073

RE: Pre-Authorization Request – 2010 PAC 8414
Requester: Barbara A. Shelton on behalf of American Family Insurance

Dear Mr. Recupito:

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

Ms. Barbara A. Shelton on behalf of American Family Insurance submitted a FOIA request dated June 29, 2010, seeking police report # 2010-04213. The report relates to a single-vehicle car crash that resulted in a fatality and injuries to three others. In its written notice, the Police asserted that dates of birth, photos of the crash scene, and medical information 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 Police’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 this information would be highly objectionable to a reasonable person. The subjects’ right to privacy in these personal details outweighs any legitimate public interest in obtaining this information. Therefore, the disclosure of this

information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c).

The Police's use of the exemption in Section 7(1)(c) with regard to photos of the crash scene is approved in part and denied in part. We have determined that the disclosure of photos showing the deceased driver at the crash scene would be highly objectionable to a reasonable person. Therefore, the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c). The release of other photos of the crash scene that do not include the deceased driver, however, would not constitute an unwarranted invasion of personal privacy. Accordingly, those photos should be released.

The Police's use of the exemption in Section 7(1)(c) with regard to medical information also is approved in part and denied in part. We have determined that the subjects' right to privacy in the details of specific injuries reported or suffered outweighs any legitimate public interest in obtaining this information. Therefore, the disclosure of information which describes the details of specific injuries would constitute a clearly unwarranted invasion of personal privacy and may be redacted. 5 ILCS 140/7(1)(c). However, disclosure of general details, such as the fact that a person suffered injuries or was transported to a specific hospital, would not be highly objectionable to a reasonable person. As such, disclosure of those details would not be an unwarranted invasion of personal privacy.

Should you have questions or concerns, please call our office at 1-877-299-FOIA (3642). This letter shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


Amalia Rioja
Chief Deputy Public Access Counselor

cc: Ms. Barbara A. Shelton
American Family Insurance
6000 American Parkway
Madison, Wisconsin 53791-9815