



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 19, 2010

Ms. Heather Kruse
Staff Attorney
City of Des Plaines
1420 Miner Street
Des Plaines, Illinois 60016

RE: Pre-Authorization Request – 2010 PAC 8458

Dear Ms. Kruse:

We have received and reviewed the written notice from the City of Des Plaines (City) 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. This letter is to advise you that your request is approved in part and denied in part.

██████████ submitted a FOIA request dated July 7, 2010, seeking documents relating to crash report 10-22035. In its written notice, the City asserted that the dates of birth of persons involved and insurance policy numbers 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 City’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). 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.

However, the City's use of Section 7(1)(c) to withhold insurance policy numbers is denied. We have determined that the disclosure of this information is not highly objectionable to a reasonable person. The subjects' privacy interests are minimal, and the legitimate public interest in obtaining this information outweighs this privacy interest. Therefore, the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c).

In accordance with this letter, the Department may release the requested records to the requester. If you have any questions, please call me at 312-814-5206. This letter shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor



Amalia Rioja
Chief Deputy Public Access Counselor

cc:

