



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 19, 2010

Ms. Wendelyn J. Briggs
City Clerk/Freedom of Information Officer
Town of Normal
100 East Phoenix Avenue
Normal, Illinois 61761

RE: FOIA Pre-Authorization Request - 2010 PAC 8463

Dear Ms. Briggs:

We have received and reviewed the written notice from the Town of Normal (Town) of its intention to deny disclosure of all dates of birth and descriptions of injuries from an accident report 10-A547 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 of privacy outweighs any legitimate public interest in obtaining the information." *Id.*

Determination

The Town's use of the exemption in Section 7(1)(c) with regard to withholding the dates of birth is **approved**. This is highly personal information, and the subjects' right to privacy with respect to this information outweighs any legitimate public interest in its disclosure. As such, disclosure of the information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c).

The Town's use of the exemption in Section 7(1)(c) with regard to withholding the subjects' health information is **denied**. The Town has failed to establish that disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. *See* 5 ILCS 140/1.2 and 7(1)(c).

If you have any questions, please feel free to contact me at (312) 793-0865. This letter shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: 

Sara Gadola Gallagher
Deputy Public Access Counselor