



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 27, 2010

Ms. Wendellyn 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 8591

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 descriptions of injuries from an accident report A10-725 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 subjects' injury information 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).

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

B:

Sara Gadola Gallagher
Deputy Public Access Counselor

cc:

Mr. Patrick Elliot
Senior Adjuster
Pekin Insurance
2505 Court Street
Pekin, IL 61558

FORM FOR PRE-AUTHORIZATION OF USE OF EXEMPTION 7(1)(c) or 7(1)(f)

**** Note to Public Body:** Before denying a request, in whole or in part, based on an exemption in Section 7(1)(c) or 7(1)(f) of the Freedom of Information Act, you must provide written notice and a detailed explanation to the Public Access Counselor and the requester of the intent to deny the request on this basis. 5 ILCS 140/9.5(b). Completing and submitting this form to the **Public Access Counselor (500 South Second St., Springfield, IL 62706)** and to the requester will constitute written notice of the public body's intent to deny the requester's FOIA request in whole or in part based upon the exemption in Section 7(1)(c) or 7(1)(f) of the Freedom of Information Act.

Name of Public Body: _____

Contact information for FOIA Officer: _____

Signature of FOIA Officer: _____ Date: _____

Exemption claimed by public body (*check which applies*):

The requested records contain personal information and the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c).

The requested records are preliminary drafts, notes, recommendations, memoranda or other records in which opinions are expressed, or policies or actions are formulated. 5 ILCS 140/7(1)(f).

Proposed response to the requester's FOIA request by the public body (*attach additional pages, if necessary*):

Detailed summary of the basis for asserting the exemption (*attach additional pages, if necessary*):

10-725

*****ATTACH A COPY OF THE FOIA REQUEST*****

The Public Access Counselor will not accept this Notice of Pre-Authorization without attachment of a copy of the FOIA request in question.

For PAC Office Use Only.

PAC File No. 8591

TO PUBLIC BODY: Town of Normal

7(1)(c) Exemption Use Approved to Redact Date(s) of Birth

Exemption Use Denied

Name: Sara Gadola Gallagher **Signature:**  **Date:** 7/26/2010



July 21, 2010

Office of the Attorney General
Public Access Bureau
500 S. 2nd Street
Springfield, IL 62706

RE: Notice of Intent to Deny


Dear Public Access Counselor:

Enclosed please find the following in connection with a Freedom of Information Act request received in this office on July 19, 2010, from Pekin Insurance concerning Anita Troutman:

1. The Notice of Intent to Deny;
2. A copy of the FOIA request;
3. A copies of the reports, redacted as per the Town's interpretation of the new Act and as per your instructions mailed June 25, 2010; and
4. Unredacted copies of the narrative portion of the report.

This is being sent to you as per 5ILCS 140/9.5(b). Please respond in writing if this report has been redacted in compliance with the new Act.

Sincerely,



Wendellyn J. Briggs
City Clerk/Freedom of Information Officer

Enclosures

RECEIVED
ATTORNEY GENERAL

JUL 22 2010

FOIA/OMA

"Committed to Service Excellence"
100 East Phoenix Avenue • Post Office Box 589 • Normal, Illinois 61761-0589
Telephone (309) 454-2444 • Fax (309) 454-9609 • TDD (309) 454-9630
www.normal.org

#8591



Beyond the expected.™

PEKIN
INSURANCE

2505 Court Street • Pekin, Illinois 61558
(309) 346-1161 • www.pekininsurance.com

Due 7-26-10

July 16, 2010

NORMAL POLICE DEPT
PO BOX 589
NORMAL IL 61761-0589

Claim Number 18-W64-018 - DC & Anita Troutman
Date: July 8, 2010
Time: 5:30 pm
Place: Normal, IL
Cars Involved: 2007 Chrysler 300 - Mallory Rendleman
1992 Buick Lesabre - Kara Shadewaldt
Incident Number: A10-725

Please send us a copy of your report on the above-described accident.

For identification purposes, please attach this request to your report.

Patrick Elliott

PATRICK ELLIOTT - Senior Adjuster
CLAIM DEPARTMENT
je
enc. envelope, draft (\$3.00)

