



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 10, 2010

Mr. Clifford Hegg
FOIA Officer
Danville Police Department
2 East South Street
Danville, Illinois 61832

RE: Pre-Authorization Request – 2010 PAC 8700
FOIA Requester: [REDACTED]

Dear Mr. Hegg:

We have received and reviewed the written notice from the Danville Police Department (Department) of its intent to deny disclosure of an incident report 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 the incident report is denied. We do not generally view incident reports as automatically constituting highly personal or objectionable information about which the subjects' privacy interest outweighs any public interest in release of that information. Rather, application of the Section 7(1)(c) exemption must be applied to the information contained in the reports. Additionally, FOIA requires that, where a record contains both exempt and non-exempt information, rather than withhold the record as a whole, a public body must redact the exempt information it wishes to withhold and must release all non-exempt portions of the records. 5 ILCS 140/7(1).

However, 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. Therefore, the Department's use of the exemption in Section 7(1)(c) with regard to dates of birth is approved.

Additionally, we have determined that the disclosure of specific medical 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 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). Therefore, the Department's use of the exemption in Section 7(1)(c) with regard to information related to specific medical conditions is approved.

Finally, "private information" contained on the incident report, including, but not limited to, driver's license numbers, home addresses, and personal telephone numbers, are exempt from disclosure under Section 7(1)(b) of FOIA. The Village's use of this exemption does not require preapproval from our office.

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

Sincerely,

Cara Smith
Public Access Counselor

By:
Sara Gadola Gallagher
Sara Gadola Gallagher
Deputy Public Access Counselor

cc:

