



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 7, 2010

Wendellyn J. Briggs
City Clerk/Freedom of Information Officer
100 E. Phoenix Avenue
P.O. Box 589
Normal, IL 61761-0589

RE: Pre-Authorization Request – 2010 PAC 8822

Dear Ms. Briggs:

We have received and reviewed the written notice from the Town of Normal (Town) of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

LexisNexis, on behalf of [REDACTED] and Country Insurance, submitted a FOIA request on July 26, 2010, seeking copies of Accident Report # 10-787, dated July 25, 2010. In its written notice, the Town asserted that all matters reflecting on the health of the driver listed in the requested report is exempt from disclosure under Section 7(1)(c) of FOIA.

Determination

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.” 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.*

The Town’s use of the exemption in Section 7(1)(c) to redact “health information” contained in this report is denied. The redacted information consists only of general statements about possible injuries that occurred during a traffic accident. The report does not reference specific medical conditions, diagnoses, treatments or other protected information. Accordingly, we have

determined that the Town has not met its burden of establishing that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c).

Although not mentioned in its pre-authorization request, the Town's use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. The disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(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.

In accordance with this determination, the Town may issue a partial denial letter directly to LexisNexis and may redact dates of birth from the accident report.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Amalia Rioja by EK
Amalia Rioja
Chief Deputy Public Access Counselor

cc: LexisNexis
P.O. Box 7000
Southeastern, Pennsylvania 19398