



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

September 8, 2010

Wendellyn J. Briggs  
Freedom of Information Officer  
Town of Normal  
100 East Phoenix Avenue  
P.O. Box 589  
Normal, IL 61761-0589

RE: Pre-Authorization Request — 2010 PAC 8899

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 as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

Frank Lowry, from the Hausmann-McNally Law Offices, submitted a FOIA request on July 23, 2010, seeking copies of all accident reports from July 16, 2010 through July 31, 2010. In its written notice, the Town asserted that dates of birth and information which references specific injuries to drivers is exempt from disclosure under Section 7(1)(c) of FOIA.

**Determinations**

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.*

First, the Department'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). 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

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any legitimate public interest in disclosing this information.

Second, the Town's use of the exemption in Section 7(1)(c) with regard to drivers' injuries is denied. The redacted information consists only of general statements about injuries that occurred during traffic accidents. The reports do 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).

As such, the Town may issue a partial denial letter directly to Mr. Lowry and release the reports with the appropriate information redacted.

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: Mr. Frank Lowry  
903 N. 4<sup>th</sup> Street  
Petersburg, Illinois 62675