



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 12, 2010

Mark Schuster
Counsel for the Village of Hampshire
Bazos, Freeman, Kramer, Schuster, Vanek & Kolb
1250 Larkin Avenue, #100
Elgin, IL 60123

RE: Pre-Authorization Request — 2010 PAC 8915

Dear Mr. Schuster:

We have received and reviewed the written notice from the Village of Hampshire (Village) 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.

██████████ submitted a FOIA request dated August 2, 2010, seeking police report number 10-02849. In its written notice, the Village asserted that dates of birth and medical information are 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.” 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.*

The Village’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 any legitimate public interest in disclosing this information.

The Village’s use of the exemption in Section 7(1)(c) to redact “medical conditions/treatment” contained in this report is denied. The redacted information consists only of a general statement

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about a possible injury. The report does not reference specific medical conditions, diagnoses, treatments or other protected information. Accordingly, we have determined that the Village 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 Village may issue a partial denial letter directly to [REDACTED] and release the records to her 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: AA

Amalia Rioja
Chief Deputy Public Access Counselor

cc:

