



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

September 16, 2010

Ms. Sandra Jerina Black
FOIA Officer
Village of Park Forest
350 Victory Dr.
Park Forest, IL 60466

RE: Pre-Authorization Request — 2010 PAC 8946

Dear Ms. Black:

We have received and reviewed the written notice from the Village of Park Forest (Village) of its intention to deny certain records requested by [REDACTED] as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA), because they contain "personal information, the disclosure of which would result in a clearly unwarranted invasion of personal privacy." 5 ILCS 140/7(1)(c). [REDACTED] FOIA request sought "any and all disciplinary and dismissal information concerning [REDACTED]"

The Village indicated in its written notice that it intends to redact: (1) dates of birth and social security numbers from the responsive notes of appointment and separation, and (2) names of witnesses referenced in the responsive Order of the Village's Board of Fire and Police Commissioners, dated April 15, 2002. Redacted copies of these records have been provided for our office's review to [REDACTED]

Section 7(1)(c) of FOIA permits a public body to withhold "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." That provision further defines an "unwarranted 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." It also provides that "[t]he disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy."

Determination

As a result of our review, we have determined that it is appropriate for the Village to decline to disclose the portions of the records responsive to this request which contain dates of birth under Section 7(1)(c). An individual's date of birth is information which is highly personal, the release

of which may be objectionable to a reasonable person, and the subject's right to privacy with regard to this information outweighs any legitimate public interest in obtaining the information. Further, the redacted information does not bear on the public duties of public employees. Accordingly, the Village's request to assert the "unwarranted invasion of personal privacy" exemption under 5 ILCS 140/7(1)(c) is hereby approved and no further inquiry into this matter is warranted.

Likewise, we have determined that it is appropriate for the Village to decline to disclose the portions of the records responsive to this request which contain the names of third parties (witnesses and complainants) under Section 7(1)(c). The disclosure of these individuals' names would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). This type of information is highly personal by its very nature and the these individuals' right to privacy outweighs any legitimate public interest in disclosing this information.

Finally, we decline to issue a determination with respect to whether the disclosure of social security numbers in the context of these records would constitute an "unwarranted invasion of personal privacy" under Section 7(1)(c). However, we would note that social security numbers are clearly exempt as "private information" under Section 7(1)(b), as that phrase is defined under Section 2(c-5). 5 ILCS 140/7(1)(b). Please note that where information is specifically exempt under sections of FOIA other than Section 7(1)(c) and Section 7(1)(f), public bodies may issue denials relying upon such exemptions directly to the requester, without the need to submit the matter to the Public Access Counselor for pre-authorization.

If you have any questions concerning this matter, please feel free to contact the undersigned at (217) 782-9078. This letter shall serve to close this file.

Sincerely,

Cara Smith
Public Access Counselor

By 

Matthew M. Sebek
Assistant Attorney General, Public Access Division

cc: 

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