



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 1, 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 9273

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 Nancy J. Cies and Met Life, submitted a FOIA request dated August 16, 2010, seeking a copy of an auto accident report concerning an accident that occurred on September 8, 2009. In its written notice, the Town asserted that dates of birth and information which references specific injuries to a pedestrian 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.*

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The Town'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 Town's use of the exemption in Section 7(1)(c) with regard to a pedestrian's injuries is denied. The proposed redactions affect only general statements concerning a reported injury that may have occurred during this accident. The report discloses no detailed information regarding the precise nature of any medical condition, specific diagnoses or other sensitive matters. 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). 5 ILCS 140/7(1)(c).

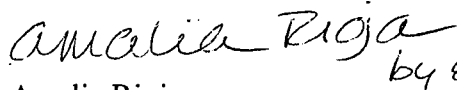
As such, the Town may issue a partial denial letter directly to LexisNexis and release the report with the appropriate information redacted.

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:


by EK
Amalia Rioja
Chief Deputy Public Access Counselor

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