



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 7, 2010

Ms. Wendellyn Briggs
City Clerk/Freedom of Information Officer
Town of Normal
100 East Phoenix Ave
P.O. Box 589
Normal, IL 61761-0589

RE: Pre-Authorization Request – 2010 PAC 9404

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.

On August 23, 2010, Lexis Nexis requested a copy of Illinois Traffic Crash Report number U100070325, which reports a that occurred on August 19, 2010. In its written notice dated August 31, 2010, the Town asserts that the dates of birth of witnesses and passengers included in that police report 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 Town’s use of the exemption in Section 7(1)(c) with regard to the 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, and the subject’s right to privacy outweighs any legitimate public interest in disclosing this information.

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

If you have any questions, please feel free to contact Sarah Kaplan at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Amalia Rioja by SRK

Amalia Rioja
Chief Deputy Public Access Counselor

cc: Lexis Nexis
P.O. Box 7000
Southeastern, PA 19398