



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 16, 2010

Ms. Sherry Tite
Wood River Township Clerk/FOIA Officer
Wood River Township
41 S. 9th St.
East Alton, IL 62024

RE: Pre-Authorization Request – 2010 PAC 9526
Requester: [REDACTED]

Dear Ms. Tite:

We have received and reviewed the written notice from Wood River Township (Township) 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 September 1, 2010, [REDACTED] requested records including “the 50 names and/or addresses that were not being charged for sewer usage.” In its written notice received by this Office on September 9, 2010, the Township asserted that this information 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.” 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 Township’s use of the exemption in Section 7(1)(c) with regard to the names is denied. We have determined that the Township has not met its burden of showing that disclosure of these names would constitute a clearly unwarranted invasion of personal privacy. While customers of a public utility may have some expectation of privacy in the fact of a mistake in their billing history, the Township has failed to show why the right of privacy in this information outweighs the substantial public interest in the disclosure of information relating to public revenue.

Please note that home addresses are defined as "private information" and are exempt from disclosure under Section 7(1)(b) of FOIA. Denying disclosure of information under this exemption does not require pre-approval from this Office.

In accordance with this letter, the Township should 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 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: [REDACTED]