



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 24, 2011

Beth Janicki Clark
Assistant Village Attorney
Village of Downers Grove
801 Burlington Avenue
Downers Grove, Illinois 60515

RE: Pre-Authorization Request – 2010 PAC 10560
Requester: [REDACTED]

Dear Ms. Clark:

We have received and reviewed the written notice from the Village of Downers Grove 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.

[REDACTED] submitted a FOIA request dated November 1, 2010, in which he sought documents concerning an incident that occurred on August 8, 2010. In its written notice, the Village asserted that two pages from the responsive documents contain information that is exempt from disclosure under Section 7(1)(c) (5 ILCS 140/7(1)(c)).

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 the disclosure is consented to in writing by the individual subjects of the information.” *Id.* 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) to redact the specific information the Village proposed to redact from the Intake Data Sheet is approved. We have determined that the disclosure of this information would constitute a clearly unwarranted invasion of personal

privacy under Section 7(1)(c). This information is highly personal, and the subject's right to privacy outweighs any legitimate public interest in obtaining this information.

The second document in which the Village seeks to redact information contains a Medical Information section that contains 4 yes-or-no questions and 7 blank lines to be filled in by the officer making the report. The Village's use of the exemption in Section 7(1)(c) to redact the answer to the second and third yes-or-no questions and the information on lines 2, 3 and 4 is approved. This information is highly personal, and the subject's right to privacy outweighs any legitimate public interest in obtaining this information. Therefore, the Village has sustained its initial burden of proving that this information is exempt under Section 7(1)(c).

However, the Village's use of the exemption in Section 7(1)(c) to redact the remaining information in that section is denied. The answers to questions 1 and 4 and the information on lines 1, 5, 6 and 7 is general in nature and relates to a physical injury that is not highly personal. The information does not reference a specific medical condition, diagnosis, treatment or other information that could be considered highly personal. Therefore, we have determined that the Village has not met its burden of establishing that this information is exempt under Section 7(1)(c).

Accordingly, the Village may issue a partial denial letter directly to the requester and release the two pages discussed above 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,

Sarah Kaplan by EK
Sarah Kaplan
Assistant Public Access Counselor

cc:

