



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

March 21, 2011

Nancy Sujet  
Administrative Assistant/FOIA Officer  
Village of Lake in the Hills  
600 Harvest Gate  
Lake in the Hills, IL 60156

RE: Pre-Authorization Request – 2011 PAC 12903  
Requester: Jane Huh, Northwest Herald

Dear Ms. Sujet:

We have received and reviewed the written notice from the Village of Lake in the Hills 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.

On March 7, 2011, Ms. Jane Huh of the Northwest Herald requested the traffic crash report for a fatal crash that occurred on March 1, 2011. The Village asserts that the dates of birth that appear in that report as well as the name(s) of the hospital(s) where the victims were taken and the insurance policy numbers in that report are exempt from disclosure under Section 7(1)(c).

**Determinations**

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.” 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.”

The Village’s use of the exemption in 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). This information is highly personal, and the subjects' right to privacy outweighs any legitimate public interest in disclosing this information.

However, the Village's use of the exemption in Section 7(1)(c) with regard to the name(s) of hospital(s) and the insurance policy numbers is denied. The Village has not presented clear and convincing evidence that either the name(s) of the hospital(s) or the insurance policy numbers are highly personal or that a reasonable person would find release of this information objectionable. Therefore, the Village has failed to meet its burden to demonstrate that the exemption in Section 7(1)(c) applies to the name(s) of the hospital(s) or the insurance policy numbers in this instance.

The Village may issue a partial denial letter directly to Ms. Huh and release the report to her with the appropriate information redacted in accordance with this letter. If you have any questions, please feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

A solid black rectangular redaction box covering the signature area.

Sarah Kaplan  
Assistant Public Access Counselor

cc: Jane Huh  
Northwest Herald  
7717 South Route 31  
Crystal Lake, IL 60014