



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, IL 60515

RE: Pre-Authorization Request – 2011 PAC 12993

Dear Ms. Janicki Clark:

We have received and reviewed the written notice from the Village of Downers Grove of its intention to deny disclosure of a specific incident report pursuant to the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1. *et seq.*

On March 11, 2011, [REDACTED] submitted a FOIA request to the Village, seeking any and all incident/arrest reports concerning [REDACTED] from 2002 to present. In its written notice, the Village asserts that the narrative portions of a report, contained within the responsive records, is exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) because it contains domestic information of a confidential nature.

**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.” *Id.* The exemption defines “unwarranted 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 Section 7(1)(c) exemption to withhold the narrative portion of a specific report, in its entirety, is denied. Although it does not appear that any arrests or charges were made in connection with the report, it is our determination that the release of this information to [REDACTED] who is also mentioned in the report at issue, would not constitute a clearly unwarranted invasion of personal privacy. Thus, the Village has not met its burden of establishing that the entire narrative portion of the report is exempt from disclosure under Section 7(1)(c) of FOIA.

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However, we have determined that the Village may use the Section 7(1)(c) exemption to redact specific references to the health of the subject, as contained in the narrative portion of the report in question. We have determined that the disclosure of information relating to medical conditions and treatment would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c) of FOIA. 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.

If you have any questions, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

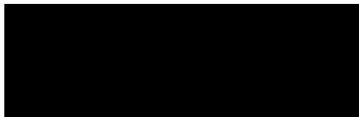
Sincerely,



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Tola Sobitan  
Assistant Public Access Counselor

cc:



*12993 preauth al dl 71c vic priv mun*