



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

June 21, 2010

Wendellyn J. Briggs
FOIA Officer
Town of Normal
100 East Phoenix Avenue
P.O. Box 589
Normal, Illinois 61761-0589

RE: Pre-Authorization Request – 2010 PAC 7993
Insured Party: [REDACTED]

Dear Ms. Briggs:

We have received and reviewed the written notice from the Town of Normal (Town) of its intent to deny disclosure of certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c).

On June 8, 2010, LexisNexis requested traffic crash report number U10070494. The Town seeks to redact from that report dates of birth and medical information regarding the drivers, passengers, and witnesses involved in the incident.

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.*

Determination

The Town's use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. We have determined that disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c) of FOIA. This information is highly personal by its very nature, and the subjects' right to privacy with respect to this information outweighs any legitimate public interest in obtaining it.

The Town's use of the exemption in Section 7(1)(c) with regard to a victim's injuries or medical

information 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) of FOIA. 5 ILCS 140/7(1)(c). An individual's medical information is highly personal, and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. 5 ILCS 140/7(1)(c).


Accordingly, the Town may issue a partial denial letter directly to LexisNexis and release the records to LexisNexis with the appropriate information redacted.

Should you have questions or concerns, please feel free to contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


Sara Gadola Gallagher
Deputy Public Access Counselor

cc: LexisNexis
P.O. Box 7000
Southeastern, PA 19398