



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 1, 2010

Village Clerk Janice Hansen
Village of Lakewood
2500 Lake Avenue
Lakewood, Illinois 60014

RE: Pre-Authorization Request – 2010 PAC 8138
Requester: [REDACTED]

Dear Ms. Hansen:

We have received and reviewed the written notice from the Village of Lakewood (Village) of its intention to withhold from disclosure a police report pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c). This letter is to advise you that your request is denied.

[REDACTED] submitted a FOIA request dated June 17, 2010, seeking documents that “identify the bicyclist injured in the automobile-bicyclist [crash] on Monday, June 14, 2010, in Lakewood, Illinois, involving a vehicle operated by [REDACTED] as well as “any citation(s) issued either to [REDACTED] or the bicyclist.” The Village responded on June 22, 2010, asserting that no citations were issued, and that documents identifying the bicyclist are exempt from disclosure under Section 7(1)(c) of FOIA, as well as Section 7(1)(a) of FOIA and Section 1-7(E) of the Juvenile Court Act of 1987. 705 ILCS 405/1-7(E).

As required by FOIA, the Village seeks preauthorization from our office to assert that the documents are exempt under Section 7(1)(c). In its preauthorization request, the Village stated that the bicyclist is a juvenile, and that the report includes medical information about the injuries suffered by that juvenile.

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.*

Determinations

Based on the specific facts presented here, the Village's use of the exemption in Section 7(1)(c) with regard to information identifying the bicyclist is denied. We have determined that the disclosure of this information would not be highly objectionable to a reasonable person. Although specific information might be properly redacted under other FOIA exemptions, the fact that the report contains specific injury information does not render the entire report exempt from FOIA under Section 7(1)(c). Furthermore, the names of individuals involved in traffic crashes are not personal information. Therefore, the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c).

We decline to make a determination on the application of Section 7(1)(a) of FOIA and Section 1-7(E) of the Juvenile Court Act of 1987 to these documents, as Section 7(1)(a) of FOIA does not require pre-authorization from the Public Access Counselor.

Should you have questions or concerns, please call our office at 1-877-299-FOIA (3642). This letter shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Sara Gadola Gallagher
Deputy Public Access Counselor

cc:

