



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

Lisa Madigan
ATTORNEY GENERAL

August 25, 2010

Ms. Beth Janicki Clark
Assistant Village Attorney
Village of Downers Grove
801 Burlington Ave.
Downers Grove, IL 60515

RE: Pre-Authorization Request – 2010 PAC 9040
FOIA Requester: [REDACTED]

Dear Ms. Janicki Clark:

We have received and reviewed the written notice from the Village of Downers Grove (Village) of its intent to deny disclosure of certain information in a police report as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c). Specifically, the Village is seeking to deny disclosure of dates of birth, the race and gender of the complainant, and the police report's narrative.

Section 7(1)(c) 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." 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."

The Village's use of the Section 7(1)(c) exemption with regard to dates of birth is **approved**. The 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. Thus, the information is exempt from disclosure under Section 7(1)(c) of FOIA, as disclosure would constitute a clearly unwarranted invasion of personal privacy to the subjects of the information.

Next, the Village's use of the Section 7(1)(c) exemption with regard to the race and gender of the complainant is **denied**. The Village has failed to establish that this information is highly personal, and that the subject's right to privacy with respect to this information outweighs the public's legitimate interest in obtaining it. The fact that the complainant might somehow be identified via the disclosure of race and gender does not support a finding that disclosure of this information would constitute a clearly unwarranted invasion of the complainant's personal privacy.

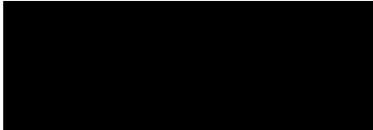
Lastly, the Village's use of the Section 7(1)(c) exemption with regard to the narrative is **granted**. The narrative as a whole focuses heavily on the subject's medical condition and treatment. This information is highly personal and the subject's right to privacy with respect to this information outweighs any

legitimate public interest in obtaining it. Thus, disclosure of the narrative would constitute a clearly unwarranted invasion of personal privacy and the Village may use the Section 7(1)(c) exemption to withhold the entire narrative.

As such, the Village should issue a partial denial letter directly to the FOIA requester in accordance with this letter. 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,

cc:



Cara Smith
Public Access Counselor

Sara Gadola Gallagher /R&R

By: Sara Gadola Gallagher
Deputy Public Access Counselor