



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

September 17, 2010

Lisa Madigan
ATTORNEY GENERAL

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

RE: Pre-Authorization Request – 2010 PAC 9546
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 the entire police report narrative as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

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 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 the Public Access Counselor’s Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

cc: [REDACTED]

Cara Smith
Public Access Counselor

By: Sara Gadola Gaffagher
Deputy Public Access Counselor

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