



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 17, 2010

Wendellyn J. Briggs
Freedom of Information Officer
Town of Normal
100 East Phoenix
P.O. Box 589
Normal, IL 61761-0589

Re: Pre-authorization request – 2010 PAC 9603

Dear Ms. Briggs,

We have received the Town of Normal's notice of intention to redact information in Illinois Traffic Crash Report #10-898. LexisNexis requested the report, which details an August 27, 2010 traffic accident. The Town of Normal asserted that the birth date of a witness, [REDACTED] is exempt under Section (7)(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended. The Town also asserted that information as to an injury reported by one of the drivers, [REDACTED] is exempt under Section 7(1)(c).

Information in public records is exempt if disclosure would "constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). An "[u]nwarranted invasion of personal privacy" is 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 request to redact the birth date of [REDACTED] pursuant to Section 7(1)(c) is *approved*. Birth dates are a highly personal form of information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. A subject's right to privacy outweighs any legitimate public interest in the disclosure of his or her date of birth.

However, the Town's request to redact information as to an injury reported by [REDACTED] is *denied*. [REDACTED] complained of ankle pain following the accident but declined medical attention. We determined in 2010 PAC 8166 that a complaint about possible injuries following an accident does not reveal any protected medical information. Disclosing this information would not constitute a clearly unwarranted invasion of personal privacy.

The Town intends to redact additional information from the report pursuant to Section 7(1)(b). We have not analyzed the use of that exemption because it does not require pre-approval from our office.

This letter shall serve to close this file. If you have any questions, please feel free to contact me at (312) 814-6756 or ssilverman@atg.state.il.us.

Sincerely,

Cara Smith
Public Access Counselor

By: [REDACTED]
Steve Silverman
Assistant Public Access Counselor

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

9603 pre-auth al 7(1)(c) dob dl (7(1)(c) med inf pd