



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 25, 2011

Ms. Lucille Zucchero
Freedom of Information Act Officer
Village of Addison
1 Friendship Plaza
Addison, Illinois 60101

Re: FOIA Pre-Authorization Request 2011-PAC 12900

Dear Ms. Zucchero:

The Office of the Public Access Counselor (Office) has reviewed the Pre-Authorization Request submitted to this Office by the Village of Addison (Village) and the responsive documents submitted by the Village on August 3, 2010.

On March 7, 2011, [REDACTED] submitted a Freedom of Information Act (FOIA) request seeking copies of code enforcement complaints numbered from 13063 to 14505.

On March 9, 2011, the Village submitted a Pre-Authorization Request to this Office. In the Request, the Village sought our approval to withhold the complaints from disclosure pursuant to Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)), which 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." *Id.* 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.*

On March 25, 2011, the Village supplied this Office with a representative sample of the complaints that it seeks to redact pursuant to Section 7(1)(c).

Determinations


The Village's request for approval of its decision to withhold the complaints pursuant to Section 7(1)(c) is denied.

This Office has reviewed the complaints and we have determined that their disclosure would not be considered highly personal or objectionable to the reasonable person. A code enforcement complaint issued by a public body is a document by which the prosecution for a violation of a local ordinance or statute is commenced, and is therefore available for public inspection unless sealed by the court.¹

The Village may, however, redact any 'private information' contained in the documents pursuant to Section 7(1)(b) of FOIA (5 ILCS 140/7(1)(b)).² Application of Section 7(1)(b) does not require prior approval by the Public Access Counselor.

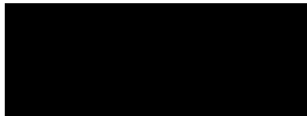
Should you have any questions or concerns, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,



Matthew C. Rogina
Assistant Public Access Counselor

cc:



12900 FOIA PAR 7(1)(c) dl priv mun

¹ We note that this information would normally be available for public inspection in the circuit clerk's office. To the extent that the Village maintains copies of these documents, however, it is required to furnish them to the requester.

² Section 2(c-5) of FOIA (5 ILCS 140/7(1)(b) defines private information as unique identifiers, such as "a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal e-mail addresses. Private information also includes home addresses and personal license plates, except as otherwise provided by law or when compiled without the possibility of attribution to any person."