



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

March 24, 2011

Mr. Robert Legg  
Freedom of Information Officer  
Village of Roselle  
103 South Prospect Street  
Roselle, Illinois 60172

RE: Pre-Authorization Request — 2011 PAC 12937

Dear Mr. Legg:

We have received and reviewed the written notice from the Village of Roselle of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.* as amended.

On March 7, 2011, Daniel Kolodziej, on behalf of Legal Services Benefit Plan, submitted a FOIA request seeking a copy of documents that involve dispatch of Roselle Police Officers to the address of 659 Overland Trail, Roselle, Illinois, between the dates of February 1, 2011 and February 13, 2011."

In its written notice, the Village asserted that dates of birth are exempt from disclosure under 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." 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."

The Village further asserts that names are exempt from disclosure under Section 7(1)(b) of FOIA. (5 ILCS 140/7(1)(b)) which exempts from disclosure private information. Private information is defined as "unique identifiers, including 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 email addresses. Private information also includes home address and

personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person.” (5 ILCS 170/2(c-5)). Please be advised that names are not unique identifiers pursuant to Section (2c-5).

**Determination**

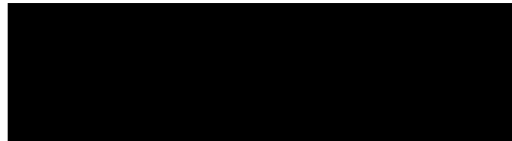
The Village’s use of the exemption in Section 7(1)(c) is approved in part and denied in part

The Village may withhold the names of certain individuals in the police report pursuant to Section 7(1)(c). No arrests were made and this matter is now closed. The Village concedes, however, that Legal Services Benefit Plan is representing the victim, and therefore, establishes an attorney-client relationship allowing for the release of his name in the records. Accordingly, there exists no privacy interest with regard to the redaction of the name of the victim and their date of birth. The Village may withhold the names and dates of birth of any other individual in the report.

As such, the Village may issue a partial denial letter directly to Mr. Kolodziej and release the records with the appropriate information redacted if it has not already done so.

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: Mr. Daniel Kolodziej  
Legal Services Benefit Plan  
111 East Wacker Drive, Suite 1325  
Chicago, Illinois 60601

*12937 preauth al 71c dob mun*