



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

September 23, 2010

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

RE: Pre-Authorization Request — 2010 PAC 9496

Dear Ms. Briggs:

We have received and reviewed the written notice from the Town of Normal (Town) 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.

Frank Lowry of Hausmann-McNally Law Offices submitted a FOIA request dated August 30, 2010, seeking copies of all accident reports from August 16, 2010 through August 31, 2010. In its written notice, the Town asserted that dates of birth and all matters reflecting on the health of the driver(s), witnesses and passengers listed in certain reports are exempt from disclosure under Section 7(1)(c) of FOIA.

**Determination**

Section 7(1)(c) of FOIA 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.” *Id.*

The Town's use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

The Town's use of the exemption in Section 7(1)(c) regarding the medical information in the second deleted passage in the narrative of report # U100034074 is approved. This type of information is also highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

The Town's use of the exemption in Section 7(1)(c) with regard to the remainder of the proposed redactions is denied. These proposed redactions relate to injuries sustained as a result of car accidents and contain only general statements concerning reported injuries that may have occurred during these accidents. The reports disclose no detailed information regarding the precise nature of any medical condition, specific diagnoses or other sensitive matters. The Town has not met its burden of establishing that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c).

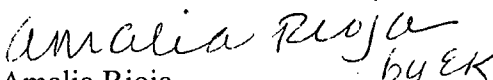
As such, the Town may issue a partial denial letter directly to the requester Mr. Lowry and release the reports to him with the appropriate information redacted in accordance with this letter.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:

  
Amalia Rioja  
Chief Deputy Public Access Counselor

cc: Frank Lowry  
903 N. 4<sup>th</sup> Street  
Petersburg, Illinois 62675