



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 5, 2011

David Silverman
Law Firm of Mahoney, Silverman & Cross, LLC
822 Infantry Drive
Joliet, Illinois 60435

RE: Pre-Authorization Request – 2011 PAC 13166

Dear Mr. Silverman:

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

Specifically, on March 23, 2011, [REDACTED] submitted a FOIA request to the Village seeking a copy of the police report concerning an incident that occurred on March 19, 2011, involving [REDACTED]. In its written notice, the Village asserts that specific portions of the requested report are exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) because they contain medical information about an individual. Notably, it appears that the Village is seeking to withhold portions of the incident report containing statements made by both [REDACTED].

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." *Id.* 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." *Id.*

The Village's use of the Section 7(1)(c) exemption to withhold statements made by Mr. Gasaway is denied. Based on a thorough review of the records and the applicable statute, we have determined that the release of this information to [REDACTED] who is the Requester in this matter, would not constitute a clearly unwarranted invasion of personal privacy. Thus, the Village has not met its burden of establishing that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

April 5, 2011

Page 2

However, we have determined that the Village may redact specific references to the health of any subject of the report other than those statements made by [REDACTED]. We have determined that the disclosure of information relating to medical conditions and treatment would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c) of FOIA. This type of information is highly personal by its very nature and a subject's right to privacy outweighs any legitimate public interest in disclosing this information.

If you have any questions, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

[REDACTED]

Tola Sobitan
Assistant Public Access Counselor

cc:

[REDACTED]

13166 preauth al dl 71c med inf mun