



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 5, 2011

Christopher L. Sewell
Fire Chief
Flossmoor Fire Department
2828 Flossmoor Road
Flossmoor, Illinois 60422

RE: Pre-Authorization Request – 2011 PAC 13251

Dear Chief Sewell:

We have received and reviewed the written notice from Flossmoor Fire Department of its intention to deny disclosure of certain information as exempt from disclosure under the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

Specifically, on March 29, 2011, [REDACTED] submitted a FOIA request to the Department, seeking the names, addresses and telephone numbers of every home the fire Department visited from February 1, 2011 to present. In its written notice, the Department asserts that the requested information is exempt from disclosure under Section 7(1)(c) of FOIA. 5 ILCS 140/7(1)(c).

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." 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 Department's use of the Section 7(1)(c) exemption with regards to the names of individuals in every home the fire department visited is **approved**. We have determined that release of this information would constitute a clearly unwarranted invasion of personal privacy. This type of information is highly personal by its very nature and its' release would be objectionable to a reasonable person. Accordingly, the Department has met its burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

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Next, the Department may withhold home addresses and telephone numbers under the Section 7(1)(b) exemption for private information. *See* 5 ILCS 140/7(1)(b). FOIA defines 'private information' to mean "unique identifiers, including 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 email addresses." 5 ILCS 140/2(c-5) (emphasis added). This Section further states that "[p]rivate 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." *Id.* (Emphasis added).

Notably, the use of the Section 7(1)(b) exemption to deny disclosure of private information contained in the requested records does not require pre-approval from the Public Access Counselor's Office. As such, this letter does not express an opinion or provide advice as to the applicability of any exemptions to the records other than Section 7(1)(c).

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

Sincerely,



Tola Sobitan
Assistant Public Access Counselor

cc:



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