



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 1, 2010

Wendellyn 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 8501

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.

Amanda Falzone from Progressive Insurance submitted a FOIA request dated July 12, 2010, seeking police report A10-725. In its written notice, the Town asserted that a date of birth and a driver's and passenger's health information is 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 a date of birth is approved. We

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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) with regard to a passenger's and driver's health information is denied. We have determined that the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). The Town has not met its burden establishing a basis for redacting this information. The redactions contain general statements about an injury that occurred during this incident.

As such, the Town may issue a partial denial letter directly to Ms. Falzone and release the records to her with the appropriate information redacted.

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

Sincerely,

Cara Smith
Public Access Counselor

By:

Amalia Rioja
Amalia Rioja *by EK*
Chief Deputy Public Access Counselor

cc: Amanda Falzone
111 West Washington Street, #400
East Peoria, Illinois 61611

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