



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 7, 2011

Wendellyn J. Briggs
City Clerk/Freedom of Information Officer
Town of Normal
100 E. Phoenix Avenue
P.O. Box 589
Normal, IL 61761-0589

RE: Pre-Authorization Request – 2011 PAC 13259

Dear Ms. Briggs:

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

Mark Barthelemy from the City of Decatur submitted two FOIA requests dated March 24, 2011, both seeking information concerning a specific residential address in Normal, Illinois. The first request sought records from the Water Department and the Inspections Department. The second request sought records from the Police Department. The responsive records in the Town's possession consist of water service account records and billing history records connected with the specified address. In its written notice, the Town asserted that the names of the individuals associated with this residential address that appear in these records are exempt from disclosure under Section 7(1)(c) (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, unless the disclosure is consented to in writing by the individual subjects of the information." *Id.* 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 the names is denied. Section 2.5 of FOIA provides that "[a]ll records relating to the obligation, receipt, and use of public funds of the State, units of local government, and school districts are public records subject to inspection and copying by the public." These water account records and billing history records clearly relate to the receipt of money by the Town, a unit of local government. Section 2.5 indicates that the Illinois Legislature recognizes a public interest in disclosing information concerning the obligation, receipt, and use of public funds. Accordingly, in this instance, the subject's right to privacy does not outweigh the public interest in disclosure. We conclude that the Town has not sustained its initial burden of proving that the names of individuals that appear on water service records are exempt under Section 7(1)(c).

The Town should release the records to the requester without redacting the individuals' names. 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,



Sarah Kaplan
Assistant Public Access Counselor

cc: Mark D. Barthelemy
Human Rights Officer
City of Decatur
#1 Gary K. Anderson Plaza
Decatur, Illinois 62523