



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 19, 2011

Scott Burkhardt
City Clerk/Freedom of Information Officer
City of Oak Forest
15440 South Central Avenue
Oak Forest, IL 60452-2195

RE: Pre-Authorization Request – 2011 PAC 13506
Requester: [REDACTED]

Dear Mr. Burkhardt:

We have received and reviewed the written notice from the City of Oak Forest of its intention to deny disclosure of certain information under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c).

On March 29, 2011, [REDACTED] requested names of individuals, addresses and telephone numbers associated with every home the Oak Forest Fire Department visited from February 1, 2011 to the date of his request. In its notice dated April 12, 2011, the City asserts that the requested information is exempt under Section 7(1)(c) of FOIA.

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." 5 ILCS 140/7(1)(c). 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.*

Determination

The City's use of the exemption in Section 7(1)(c) to deny disclosure of the names of individuals in every home the Fire Department visited is approved. We have determined that disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. This information is highly personal, and disclosure would be objectionable to a reasonable person. The subjects' right to privacy outweighs any legitimate public interest in obtaining these names.

Therefore, the City has sustained its burden of demonstrating that this information is exempt under Section 7(1)(c).

Section 2(c-5) of FOIA defines "private information" to include personal telephone numbers. 5 ILCS 140/2(c-5). This Section also defines "private information" to include home addresses "except as otherwise provided by law or when compiled without possibility of attribution to any person." *Id.* "Private information" is exempt from disclosure under Section 7(1)(b) of FOIA. The use of the exemption in Section 7(1)(b) to withhold private information in public records does not require pre-approval from this Office.

The City may issue a denial letter directly to [REDACTED] in accordance with this letter. If you have any questions or concerns, feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

[REDACTED]

Sarah Kaplan
Assistant Public Access Counselor

cc:

[REDACTED]

13506 pre-auth at 71c priv mun