



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 18, 2010

Tpr. Kerry Sutton
FOIA Officer
Illinois State Police
801 S. Seventh Street
Suite 1000-S
Springfield, IL 62794

RE: Pre-Authorization Request – 2010 PAC 10064

Dear Tpr. Sutton:

We have received and reviewed the written notice from the Illinois State Police (ISP) of its intention to deny disclosure of certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c).

Specifically, on September 22, 2010, [REDACTED] submitted a FOIA request to ISP, seeking a copy of specific contracts awarded in 2006 – 2010. In its written notice, ISP asserts that the social security numbers and Federal Employer ID Numbers (FEINs), within the requested records, are 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.” 5 ILCS 140/7(1)(c). 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.*

First, we have determined that the social security numbers, contained in the requested records, fall within the Section 7(1)(b) exemption for private information. 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).

October 18, 2010

Page 2

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 our office.

Next, ISP's use of the Section 7(1)(c) exemption with regard to the FEINs 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) of FOIA because the information pertains to business entities. As such, ISP has not met its burden of demonstrating a basis for redacting this information.

In accordance with this letter, ISP must release the requested records to [REDACTED] upon redaction of private information contained within the records.

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

Sincerely,

Cara Smith
Public Access Counselor

By:

[REDACTED]
Tola Sobitan
Assistant Public Access Counselor

cc: