



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

October 21, 2010

Ms. Beth Janicki-Clark
Freedom of Information Officer
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

RE: Pre-Authorization Request – 2010 PAC 9974

Dear Ms. Janicki-Clark:

We have received and reviewed the written notice from the Village of Downers Grove (Village) of its intention to deny disclosure of certain information as exempt from disclosure pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

██████████ submitted a FOIA request, dated July 26, 2010, seeking the following:

Police Report #099876 and any and all written documentation, emails, memorandum, notes, dispatch instructions written by all police officers, village officials regarding events of Dec. 16, 2009 at 422 Lake Ave., Downers Grove, IL, including but not limited to, communication instruments written by Sergeant Tessman – Badge 85 and Detective Paul Lichamer.

In its written notice the Village asserted that certain medical information, contained within the report, is exempt from disclosure pursuant to 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

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which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." *Id.*

The Village's use of the exemption in Section 7(1)(c) with regard to medical information is approved. We have determined that information pertaining to the medical history of an individual is highly personal by its very nature, and the subject's right to privacy with respect to this information outweighs any legitimate public interest in its disclosure. As such, the Village has met its burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

Accordingly, the Village may issue a partial denial letter to [REDACTED] and may release the records to him with the appropriate information redacted. If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This letter shall serve to close this matter.

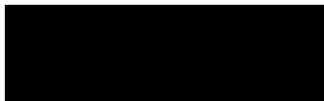
Sincerely,

Cara Smith
Public Access Counselor

By: Tola Sobitan DNR

Tola Sobitan
Assistant Public Access Counselor

cc:



9974 pre-auth al 71c med inf pd