



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 11, 2011

Ms. Nancy Steen
Freedom of Information Act Officer
Village of Round Lake Beach
1937 Municipal Way
Round Lake Beach, Illinois 60073

RE: FOIA Pre-Authorization Request – 2010 PAC 9468

Dear Ms. Steen:

We have received and reviewed the written notice from the Village of Round Lake Beach (Village) of its intention to deny disclosure of certain information pursuant to section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010).

On August 30, 2010, [REDACTED] submitted a FOIA request to the Village seeking records relating to tickets and citations that were issued by the Department. In its September 7, 2010, written notice, the Village asserted that the names and addresses of seven adults who received citations from the Village of Round Lake Beach Police Department (Department) are exempt from disclosure under section 7(1)(c) of FOIA. This Office initiated further inquiry into the matter on September 14, 2010, and the Village supplied us with copies of the records that it seeks to withhold on September 15, 2010.

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." 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." 5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010.

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DETERMINATION

The Village's use of the exemption in section 7(1)(c) to withhold the names of those persons cited is **denied**. This Office concluded in 2010 PAC 7299 (Ill. Att'y Gen. PAC Pre-Auth. dl7299, issued December 8, 2010) that a ticket, citation, or notice to appear is a document by which the prosecution for a violation of an ordinance or statute is commenced, and is therefore available for public inspection unless sealed by the court.¹ Consequently, disclosure of these names would not be considered an unwarranted invasion of personal privacy.

With respect to the home addresses of persons who have been cited, section 7(1)(b) of FOIA (5 ILCS 140/7(1)(b) (West 2009 Supp.)), as amended by Public Act 96-1378, effective July 29, 2010), permits public bodies to withhold "private information" as defined in section 2(c-5) of FOIA (5 ILCS 140/2(c-5) West 2009 Supp.)), as amended by Public Act 96-1378, effective July 29, 2010.)² "Private information" includes "home addresses." Therefore, prior to producing the documents in question, the Village may redact any private information that is exempt from disclosure pursuant to section 7(1)(b) of FOIA, including the home addresses of persons to whom citations have been issued.

If you have any questions, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Very truly yours,


MATTHEW C. ROGINA
Assistant Attorney General
Public Access Bureau

cc: 

¹ We note that this information would normally be available for public inspection in the circuit clerk's office pursuant to section 16(6) of the Clerks of Courts Act (*see* 705 ILCS 105/16(6) (West 2008)).

² Section 2(c-5) defines "private information" to include unique identifiers such as "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 e-mail addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." 5 ILCS 140/2(c-5) West 2009 Supp.)), as amended by Public Act 96-1378, effective July 29, 2010.