



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 12, 2011

Ms. Fran Miller, FOIA Officer
Village of Bolingbrook
Executive Department
375 W. Briarcliff Road
Bolingbrook, IL 60440

RE: FOIA Pre-Authorization Request – 2011 PAC 13250

Dear Ms. Miller:

We have received and reviewed the written notice from the Village of Bolingbrook 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). Specifically, on March 8, 2011, Bob Morrow of ADT Security Services, Inc., submitted a FOIA request with a commercial purpose to the Village for "records related to the registration of monitored security systems" in 2008. The Village is seeking to withhold certain records responsive to the request.

We determined that further inquiry was warranted and requested that the Village provide representative samples of the records and specify the information that the Village is seeking to withhold under section 7(1)(c). The Village provided a sample of an "Alarm User Registration Form" which appeared to indicate that the names, addresses and telephone numbers of alarm system registrants are exempt from disclosure under section 7(1)(c), and that additional information is exempt under 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).

The Village's response to our further inquiry contended that "there is no public interest in releasing the resident's names, addresses, etc." and that "residents have a personal privacy and safety interest in others not knowing what type or with what company . . . they have their home security alarm."¹ Although the sample registration form provided by the Village appeared to indicate that the Village is asserting that the type of each security system is exempt under section 7(1)(b), we will consider whether the section 7(1)(c) exemption applies to information identifying both the type of security system and the security system vendor.

¹ Letter from Fran Miller, FOIA Officer, Village of Bolingbrook, to Steve Silverman, Assistant Public Access Counselor, Office of the Attorney General (April 15, 2011).

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.).

DETERMINATION

The Village's use of the exemption in section 7(1)(c) to redact the names of individuals who registered security systems and the security system vendors is **denied**. We previously determined that disclosure of the names of individuals whose homes were the subject of false security system alarms would not constitute an unwarranted invasion of privacy under section 7(1)(c). Ill. Att'y Gen. PAC Pre-Auth. dl9622, issued December 15, 2010. We noted that individuals who own security systems often post signs on their property to deter burglary attempts. *Id.* Likewise, it is not clear that a reasonable person would object to the disclosure of information which indicates that he or she owns a security system and has registered a security system manufactured by a particular vendor with the Village. Accordingly, we conclude that the Village has not sustained its burden of demonstrating that the names of individuals who registered security systems and the security system vendors are exempt from disclosure under section 7(1)(c).

The Village's use of section 7(1)(c) to redact the type of security system listed on the registration forms is **approved**. The type of security system an individual uses to protect his or her home is highly personal information, which could be exploited for criminal purposes. A subject's right to privacy outweighs the public interest in disclosure of such information. Accordingly, we conclude that information on the registration forms which identifies the type of security system is exempt from disclosure under section 7(1)(c).

With respect to addresses and telephone number of registrants, we note that such information constitutes "private information," as defined by 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), which may be redacted pursuant to section 7(1)(b). As discussed above, the Village also has asserted that additional information on the registration forms is exempt from disclosure under section 7(1)(b). Because advance approval by the Public Access Counselor is not required for the assertion of exemptions other than section 7(1)(c) and section 7(1)(f) (5 ILCS 140/7(1)(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010), we make no determination at this time regarding the applicability of any other exemptions.

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If you have any questions, please contact me at (312) 814-6756. This correspondence shall serve to close this matter.

Very truly yours,



STEVE SILVERMAN
Assistant Attorney General
Public Access Bureau

cc: Bob Morrow
ADT Security Services
111 Windsor Drive
Oak Brook, IL 60523