



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 16, 2011

Ms. Nancy Sujet
FOIA Officer
Village of Lake in the Hills
600 Harvest Gate
Lake in the Hills, Illinois 60156

RE: FOIA Pre-Authorization Request - 2011 PAC 14043

Dear Ms. Sujet:

We have received and reviewed the written notice from the Village of Lake in the Hills (Village) of its intention to deny certain information as exempt from disclosure under 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 May 4, 2011, Mr. Brett Rowland submitted a FOIA request to the Village seeking "the name of the buyer of the home the Village auctioned off and any contact information for the buyer." The Village asserts that the name of the buyer is exempt under section 7(1)(c).

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.

DETERMINATION

The Village's request to withhold the name of the buyer pursuant to the exemption in section 7(1)(c) is **denied**. The name of a property owner as well as the property's address can be found in public records, and many such records may be found easily on assessors' websites. Therefore, the fact that one owns a particular property is not highly personal, and disclosure of this information would not be objectionable to a reasonable person. Additionally,

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section 2.5 of FOIA provides that records "relating to the obligation, receipt, and use of public funds of the State, units of local government, and school districts are public records subject to inspection and copying by the public." 5 ILCS 140/2.5 (West 2009 Supp.). This provision indicates that the Illinois Legislature recognizes a public interest in obtaining information relating to the receipt of public funds. Here, any right to privacy is outweighed by the legitimate public interest in obtaining the identity of a party who bought property from the Village. For these reasons, we conclude that the Village has not met its initial burden of demonstrating that the name of the buyer is exempt under section 7(1)(c).

If you have any questions, please contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Very truly yours,



SARAH KAPLAN
Assistant Attorney General
Public Access Bureau

cc: *Via electronic mail*
Mr. Brett Rowland
Northwest Herald



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