



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 12, 2010

Beth Janicki Clark
Assistant Village Attorney
Village of Downers Grove
801 Burlington Avenue
Downers Grove, Illinois 60515

Re: Pre-Authorization Request – 2010 PAC 10617

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 under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

██████████ submitted a FOIA request on November 2, 2010 seeking Report #10-9208, Report #10-9181, and Report #10-8426. In its written notice, the Village advised that the reports pertain to a domestic situation and it asserted that certain statements made by the victim and medical information contained within the reports are exempt from disclosure under Section 7(1)(c) of FOIA, as disclosure would constitute an unwarranted invasion of personal privacy.

Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) 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 which the subject’s right to privacy outweighs any legitimate public interest in obtaining the information.” *Id.*

Determination

The Village’s proposed application of the exemption found in Section 7(1)(c) of FOIA to deny disclosure of statements made by the complainant to law enforcement, and also medical information referenced in the reports, is approved. We have reviewed the redacted and unredacted copies of the responsive documents provided by the Village and have determined that disclosure of this information would be objectionable to a reasonable person and the subject’s right to privacy outweighs any legitimate public interest in obtaining the information.

Therefore, the Village has met its burden of demonstrating that the specific information is exempt from disclosure under Section 7(1)(c) of FOIA. Accordingly, the Village's issuance of a partial denial letter and the disclosure of the documents with the specific information redacted were appropriate.

Please note, we offer no advice or opinion as to the Village's use of any exemption other than Section 7(1)(c).

If you have any questions, please feel free to contact me at (312) 814-1003 or joleary@atg.state.il.us. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By 

 Jessica O'Leary
Assistant Attorney General

cc: 

10617 preauth al 71c vic priv med info pd