



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 2, 2010

David J. Silverman
Mahoney, Silverman & Cross, LLC
822 Infantry Drive
Joliet, Illinois 60435

Re: Pre-Authorization Request – 2010 PAC 10772

Dear Mr. Silverman:

We have received and reviewed the written notice from the Village of Shorewood (Village) of its intention to deny a specific record as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

██████████ submitted a FOIA request to the Village on November 1, 2010 seeking a report created on August 14, 2010 at 1009 Magnolia Circle, Shorewood, Illinois. In its written notice, the Village advised that the record contains "...essentially medical information about an individual" and it asserted that disclosure of this information would constitute a clearly unwarranted invasion of person privacy and is thus exempt under Section 7(1)(c) of FOIA.

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

To the extent that production of the report would disclose personal information as to a medical condition or treatment or the identity of and statements made by individuals who were neither arrested nor charged with a criminal offense, the Village's proposed application of the exemption found in Section 7(1)(c) of FOIA to deny disclosure is approved. Disclosure of this information would be objectionable to a reasonable person and would constitute a clearly unwarranted invasion of personal privacy.

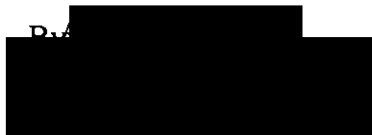
Section 7(1)(a) of FOIA (5 ILCS 140/7(1)(a)), however, provides that “[w]hen a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying...”

Accordingly, the Village shall release the responsive record with the exempt information redacted. Additional exemptions may also be applicable, such as Section 7(1)(b) of FOIA (private information), however, we offer no advice or opinion as to the use of any exemptions other than Section 7(1)(c) of FOIA.

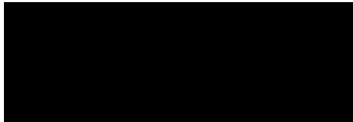
If you have any questions, please feel free to contact me at (312) 814-1003 or joleary@atg.state.il.us. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: 
Jessica O'Leary
Assistant Attorney General

cc:



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