



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 29, 2010

Simone M. Boutet
Assistant Village Attorney
Village of Oak Park, Law Department
123 Madison Street
Oak Park, IL 60302-4272

RE: Pre-Authorization Request – 2010 PAC 10597

Dear Ms. Boutet:

We have received and reviewed the written notice from the Village of Oak Park of its intention to deny disclosure of certain information pursuant to the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

On October 22, 2010, [REDACTED] submitted a FOIA request to the Village, seeking a copy of the 'Barwin's Briefs' that were given to the Village Board by Village Manager Tom Barwin. In its written notice, the Village asserts that medical information contained within the requested records are exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)). The Village also asserts that certain portions of requested records have been withheld from disclosure pursuant to Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)).

Determination

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." 5 ILCS 140/7(1)(c). 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." *Id.*

Section 7(1)(f) of FOIA exempts from inspection and copying "[p]reliminary' drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body."

The Village's use of Section 7(1)(c) exemption with regard to medical information contained in the records is approved. We have determined that the disclosure of information relating to medical conditions and treatment would constitute a clearly unwarranted invasion of personal

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privacy under Section 7(1)(c) of FOIA. This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. As such, the Village has met its initial burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

Further, the Village's use of the Section 7(1)(f) exemption with regard to withheld portions of the records is approved. We have determined that the withheld portions of this letter consist of recommendations and opinions which were relied upon by the Village in its decision-making process regarding various matters. Moreover, there is no indication that the withheld information has been publicly cited or identified by the Village Board. Accordingly, the Village has met its initial burden of demonstrating that the withheld portions of the requested records are exempt from disclosure under Section 7(1)(f) of FOIA.

If you have any questions, please feel free to contact me at (312) 814-6437. This letter shall serve to close this matter.

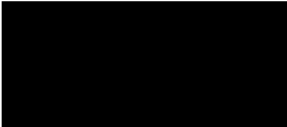
Sincerely,

Cara Smith
Public Access Counselor

By:


Tola Sobitan
Assistant Public Access Counselor

cc:


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