



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 13, 2011

Ms. Susan Anders
FOIA Officer
Illinois Department of Insurance
320 W. Washington St.
Springfield, IL 62767

Re: Pre-authorization request – 2010 PAC 11742

Dear Ms. Anders:

We have received and reviewed a notice of intention to deny issued by the Department of Insurance in response to [REDACTED]'s request for records under the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended. [REDACTED] requested records that the Department received from the Collinsville Fire Pension Board. The Department requested pre-approval pursuant to Section 7(1)(c) (5 ILCS 140/7(1)(c)) to redact the birth dates of pension fund participants and beneficiaries, and names and other information which reveals the identities of pension fund beneficiaries.

Information in public records is exempt personal information if disclosure would "constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). An "[u]nwarranted invasion of personal privacy" is 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.*

The Department's request for pre-approval to redact pursuant to Section 7(1)(c) birth dates of pension fund participants and beneficiaries is **approved**. We have reviewed copies of the records, which contain information that is highly personal by its very nature. A subject's right to privacy outweighs any legitimate public interest in the disclosure of this type of information.

The Department's request for pre-approval to redact pursuant to Section 7(1)(c) names and other information which identifies pension fund beneficiaries also is **approved**. We determined in 2010 PAC 8589 that the disclosure of information identifying pension plan beneficiaries would

constitute an unwarranted invasion of privacy. We noted there, as we do now, that pension fund beneficiaries often are not public employees, and that the public duties of pension fund participants are unrelated to their beneficiary selections. A pension fund beneficiary's right to privacy outweighs any legitimate public interest in disclosure of his or her identity; there does not appear to be any legitimate public interest in disclosure of such information.

The Department has asserted that additional information is exempt from disclosure under Section 7(1)(b) (5 ILCS 140/7(1)(b)). The Department may redact pursuant to Section 7(1)(b) "private information," which is defined as follows:

"Private information" means unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person.


5 ILCS 140/2(c-5).

This letter shall serve to close this matter. If you have any questions, please feel free to contact me at 312-814-6756 or ssilverman@atg.state.il.us.

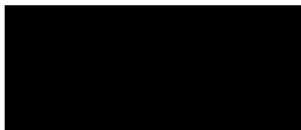
Sincerely,

Cara Smith
Public Access Counselor

By:


Steve Silverman
Assistant Public Access Counselor

cc:



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