



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 20, 2011

George L. Schoenbeck
Sosin Arnold & Leibforth, Ltd.
11800 S. 75th Avenue, Suite 300
Palos Heights, Illinois 60463-1033

Re: Pre-Authorization Request – 2010 PAC 10526

Dear Mr. Schoenbeck:

Thank you for providing the additional information we requested in response to a written notice from the Village of Crestwood (Village) of its intention to deny disclosure of certain records as exempt under Section 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

On October 20, 2010, [REDACTED] submitted a FOIA request to the Village seeking investigative reports regarding [REDACTED]. In its written notice, the Village advised that "[t]he report contains detailed descriptions of injuries sustained and other information which is highly personal in nature." The Village asserted that as [REDACTED] is deceased and unable to provide consent for disclosure, the requested information is exempt from disclosure 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

The Village's proposed application of the exemption found in Section 7(1)(c) of FOIA to deny disclosure of the responsive record is denied. Upon a person's death, the right to privacy, regarding information pertaining to that individual, exists with the individual's family. [REDACTED]

[REDACTED] is identified in the responsive records as [REDACTED]'s granddaughter. As [REDACTED]'s granddaughter has requested the information in this instance, the Village has failed to meet its burden of demonstrating that disclosure to [REDACTED] would constitute an unwarranted invasion of personal privacy.

Accordingly, unless the Village properly asserts an exemption other than Section 7(1)(c) of FOIA, the Village shall disclose the responsive record to Ms. Hoskins.

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 [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Jessica O'Leary
Assistant Attorney General

cc: [REDACTED]