



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]

