



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

January 20, 2011

Penny Mulcahy  
Freedom of Information Officer  
Justice-Willow Springs Water Commission  
7000 S. Archer Road  
Justice, Illinois 60458-1196

RE: Pre-Authorization Request – 2011 PAC 11720

Dear Ms. Mulcahy:

We have received and reviewed the written notice from Justice-Willow Springs Water Commission of its intention to deny certain information as exempt from disclosure under the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

On December 28, 2010, [REDACTED] submitted a FOIA request to the Water Commission seeking a "detailed report of all outstanding accounts receivable for the period starting 12/21/10 to 12/28/10." In its written notice, the Water Commission asserts that the account numbers, the amounts billed, past due amounts and number of days past due for each individual customer, as contained within the requested report, have been withheld from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)).

**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." *Id.* 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.*

The Water Commission's use of Section 7(1)(c) exemption with regard to the withheld information is **denied**. Article VIII, section 1(c) of the Illinois Constitution provides that the "[r]eports and records of the obligation, receipt and use of public funds of the State, units of local government and school districts are public records available for inspection by the public according to law." Ill. Const. Art. VIII, §1(c). Hence, the public's interest in obtaining information relating to monetary obligations owing to the Water Commission outweighs any privacy right of the individuals who

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owe such obligations. Accordingly, the Water Commission has failed to meet its burden of demonstrating that the withheld information is exempt from disclosure under Section 7(1)(c) of FOIA.

In accordance with this letter, therefore, the Water Commission must immediately disclose the requested report, including the account numbers, the amounts billed, past due amounts and number of days past due for each individual customers, to [REDACTED]. If you have any questions, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:

[REDACTED]  
Tola Sobitan  
Assistant Public Access Counselor

cc:

[REDACTED]

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