



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 24, 2011

Ms. Beth Janicki Clark
Assistant Village Attorney
Village of Downers Grove
bclark@downers.us

RE: Pre-Authorization Request – 2010 PAC 7068

Dear Ms. Clark:

We have received and reviewed the written notice from the Village of Downers Grove of its intention to withhold certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended:

On April 21, 2010, [REDACTED] submitted a FOIA request to the Village seeking a copy of an incident report relating to the death of [REDACTED]'s wife, [REDACTED].

On April 28, 2010 the Village submitted a Pre-Authorization Request with this Office and asserted that a portion of the report is exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) which 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.* Specifically, the Village seeks to redact certain medical information contained in the incident report and supplemental investigative reports. On January 21, 2011, the Village supplied us with redacted and unredacted versions of the incident report and investigative report.

Determination

The Village's request for approval of its decision to redact a portion of the information in the incident report and the investigative report pursuant to Section 7(1)(c) is approved.

Upon review of the reports, this Office has determined that disclosure of this information could be highly personal and objectionable to the reasonable person. Moreover, there exists no legitimate public interest in disclosure of the information the Village seeks to redact.

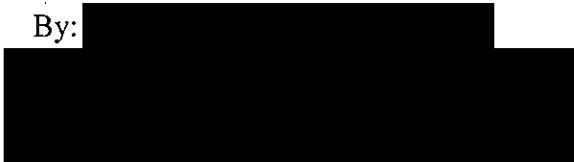
In summary, the Village has met its initial burden pursuant to Section 7(1)(c) and may redact a portion of the information in the report.

Should you have any questions or concerns, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

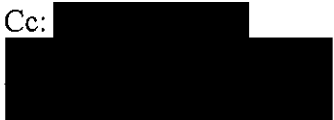
Sincerely,

Cara Smith
Public Access Counselor

By:


Matthew C. Rogina
Assistant Public Access Counselor

Cc:


7068 PAR withdrawn pre-auth at 7(1)(c) priv mun