



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 20, 2011

Enza Petrarca
Village Attorney
Village of Downers Grove
801 Burlington Avenue
Downers Grove, Illinois 60515

RE: Pre-Authorization Request – 2010 PAC 9013

Dear Ms. Petrarca:

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

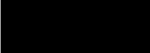
██████████ submitted a FOIA request dated August 5, 2010, in which she sought copies of documents pertaining to a certain specified address. In its written notice dated August 11, 2010, the Village included five individual pages taken from five different reports that respond to ██████████'s request. The Village asserts that certain medical information in each of these pages is exempt from disclosure under Section 7(1)(c) of FOIA. We have identified these pages as items 1-5 as follows: (1) page 4 from case # 01-10-007400; (2) page 1 from case # 01-08-009617; (3) a page from incident report # 10-7913; (4) page 3 from case # 01-10-006227; and (5) page 1 from a CAD call sheet numbered 100260072.

Determinations

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, 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.”

The Village's use of the exemption in 7(1)(c) with regard to the medical information in items 1 and 2 is approved. We have determined that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). This information is highly personal, and the subjects' right to privacy outweighs any legitimate public interest in disclosing this information.

The Village's use of the exemption in Section 7(1)(c) with regard to items 3-5 is denied. We have determined that the medical information in item 3 is too general to be highly personal, and the statement about the injury in item 4 is not highly personal. Therefore, disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). The Village may redact the name and telephone numbers of the victim in item 5. With the name and telephone numbers redacted, the medical information in that item is not highly personal, and therefore disclosure would not constitute a clearly unwarranted invasion of personal privacy.

The Village should issue a partial denial letter directly to  and release the records to her in accordance with this letter.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


Sarah Kaplan
Assistant Public Access Counselor

cc: 