



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 31, 2011

Rita Elsner
Village of Schaumburg
101 Schaumburg Court
Schaumburg, IL 60193

RE: Pre-Authorization Request – 2011 PAC 12030
Requester: [REDACTED]

Dear Ms. Elsner:

We have reviewed the written notice from the Village of Schaumburg of its intention to deny disclosure of certain information under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c). On January 13, 2011, [REDACTED] requested the name or names on the water bill for a specific address in Schaumburg. The Village asserts that the name or names are exempt from disclosure under Section 7(1)(c) of FOIA.

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." 5 ILCS 140/7(1)(c). 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 request for permission to use the exemption in Section 7(1)(c) to withhold the name or names is denied. The subject's right to privacy does not outweigh the public interest in obtaining the information in this instance. Section 2.5 of FOIA provides that "[a]ll records relating to the obligation, receipt, and use of public funds of the State, units of local government, and school districts are public records subject to inspection and copying by the public." 5 ILCS 140/2.5. The addition of Section 2.5 in the recent amendments to FOIA demonstrates that the

Illinois legislature recognizes a strong public interest in obtaining information about public funds, and this includes the names of people who have an outstanding debt to the Village. The subject's right to privacy under these circumstances does not outweigh this strong public interest. Thus, the Village should release the name or names of the individuals included in the water invoice to the requester.

If you have any questions, please feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,



Sarah Kaplan
Assistant Public Access Counselor

cc:



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