



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

February 3, 2011

Michael S. Recupito  
FOIA Officer  
Round Lake Police Department  
741 West Town Line Road  
Round Lake, Illinois 60073

RE: Pre-Authorization Request – 2010 PAC 8536  
Requester: [REDACTED]

Dear Mr. Recupito:

We have received and reviewed the written notice from the Round Lake Police Department 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.

[REDACTED] submitted a FOIA request dated July 7, 2010 seeking a copy of accident report # 2010-1127. The report relates to a single-vehicle car crash that resulted in a fatality and injuries to three others. In its written notice, the Department asserted that dates of birth, photographs of the crash scene, and medical information are exempt from disclosure under Section 7(1)(c) (5 ILCS 140/7(1)(c)).

**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." *Id.* 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.*

The Department's use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. We have determined that the disclosure of this information would be highly objectionable to a reasonable person. The subjects' rights to privacy in these personal details outweigh any legitimate public interest in obtaining this information. Therefore, the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

The Department's use of the exemption in Section 7(1)(c) with regard to photographs of the crash scene is denied. We have determined that because the requester is the father of [REDACTED] and [REDACTED] two of the occupants in the car at the time of the accident, releasing accident photographs would not constitute an unwarranted invasion of personal privacy. Accordingly, you should release these photographs to [REDACTED]

The Department's use of the exemption in Section 7(1)(c) with regard to medical information is approved in part and denied in part. We have determined that the privacy rights of the other individuals in the car, regarding the details of specific injuries reported or suffered, outweigh any legitimate public interest in obtaining this information. Therefore, you can redact information describing the details of their specific injuries because disclosure would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c). However, disclosure of general details, such as the fact that a person suffered injuries or was transported to a specific hospital, would not be highly objectionable to a reasonable person. As such, disclosure of those details would not be an unwarranted invasion of personal privacy. Finally, you may release the details of [REDACTED] injuries to his father because disclosure would not be an unwarranted invasion of personal privacy.

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,

[REDACTED]

Amalia Rioja  
Acting Public Access Counselor

cc:

[REDACTED]

*8536 pre-auth at dl 71c dob priv med inf pd*