OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 23, 2011

Robert Legg, Records Supervisor
Village of Roselle
103 S. Prospect Street
Roselle, IL 60172

RE: Pre-Authorization Request – 2011 PAC 12369

Dear Mr. Legg:

We have received and reviewed the written notice from the Village of Roselle of its intention to deny 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. The Village is seeking to redact dates of birth, the victim's medical information and sexual orientation, and names associated with financial information contained in the narrative.

[redacted] submitted a FOIA request for reports #R011001826.1-4. In its written notice, the Village asserted that the dates of birth, the victim's medical information and sexual orientation and the names associated with financial information contained in the narrative are exempt from disclosure under Section 7(1)(c) of FOIA.

Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) 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.*

Determination

The Village's use of the exemption in Section 7(1)(c) to redact the dates of birth is ***approved***. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy. This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

The Village's use of the exemption in Section 7(1)(c) to redact the victim's medical information and sexual orientation, and names associated with financial information contained in the narrative, is also ***approved.*** We have concluded that the disclosure of this information would be highly objectionable to a reasonable person. Under these circumstances, the right to privacy outweighs any public interest in the information that the Village intends to redact from the report.

However, the Village's use of the exemption in Section 7(1)(c) with regard to descriptive terms and pronouns, such as "female/male", "bald" and "his/her", is ***denied.*** We have determined that the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). The Village has not met its burden establishing a basis for redacting this type of information.

As such, the Village may issue a partial denial letter directly to the requestor and release the records in accordance with this letter.

If you have any questions, please feel free to contact Tammy Friedewald at (217) 558-1926. This correspondence shall serve to close this matter.

Sincerely,

Amanda Lundeen
TKF

Amanda M. Lundeen
Assistant Public Access Counselor

cc: [redacted]

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