



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 1, 2011

Dawn Campos
FOIA Officer /Village Clerk
Village of Lyons
4200 Lawndale Avenue
Lyons, Illinois 60534

RE: Pre-Authorization Request – 2011 PAC 11890

Dear Ms. Campos:

We have reviewed the written notice from the Village of Lyons of its intention to deny disclosure of certain emails pursuant to the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.* On August 31, 2010, [REDACTED] submitted a FOIA request to the Village, seeking all email communications sent and received by certain employees of the Village. In its written notice, the Village asserts that certain emails sent and received by Mayor Getty are exempt from disclosure under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)).

On January 26, 2011, this Office sent a further inquiry letter to the Village, requesting a copy of the emails that the Village is withholding from disclosure pursuant to Section 7(1)(f) of FOIA. On February 15, 2011, the Village provided the withheld records for our review, asserting that, in addition to withholding under Section 7(1)(f), a specific email containing medical information has been withheld from disclosure pursuant to Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)).

Determination

Section 7(1)(f) of FOIA exempts from inspection and copying “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.”

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.” 5 ILCS 140/7(1)(c). The exemption defines “unwarranted 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.*

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The Village's use of the Section 7(1)(f) exemption with regard to the withheld emails is approved. We have determined that these emails constitute pre-decisional materials solicited, obtained, and utilized by the Village's Mayor in his decision-making process regarding various matters. Accordingly, the Village has met its initial burden of demonstrating that the withheld emails are exempt from disclosure under Section 7(1)(f) of FOIA.

Further, the Village's use of Section 7(1)(c) exemption with regard to health information contained in the requested emails is approved. We have determined that the disclosure of information relating to medical conditions and treatment would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c) of FOIA. 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. As such, the Village has met its initial burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

If you have any questions, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,



Tola Sobitan
Assistant Public Access Counselor

cc:



11890 pre-auth al 71f prelim draft 71c med inf mun