



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 8, 2011

Lisa Spencer
Freedom of Information Officer
P.O. Box 500
Mackinaw, Illinois 61755

RE: Pre-Authorization Request — 2011 PAC 12651

Dear Ms. Spencer:

We have received and reviewed the written notice from the Village of Mackinaw 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 February 18, 2011, seeking copies "of all police reports in January." In its written notice, the Village asserted that insurance policy numbers, insurance company names, dates of birth, and addresses 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 the 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 Village's use of the exemption in Section 7(1)(c) to withhold insurance policy numbers and insurance company names 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). The Village has not met its burden establishing a basis for redacting this type of information.

March 8, 2011

Page 2

The Village'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 dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 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 may issue a partial denial letter directly to the requester and release the reports with the appropriate information redacted.

Home addresses fall within the Section 7(1)(b) exemption for private information. Use of this exemption to partially deny disclosure of public records does not require preapproval from our office.

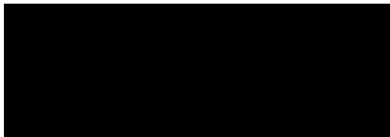
If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Sarah Kaplan Byek

Sarah Kaplan
Assistant Public Access Counselor

cc:



12651 Pre-auth al dl 71c dob priv mun