



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

February 6, 2023

Via electronic mail

Ms. Deanna Wolff
Kanoski Bresney
237 East Front Street
Bloomington, Illinois 61701
deanna@kanoski.com

RE: FOIA Request for Review – 2022 PAC 74691

Dear Ms. Wolff:

This determination is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2020)). For the reasons set forth below, the Public Access Bureau has determined that no further action is warranted in this matter.

On November 30, 2022, you submitted a FOIA request to the Rantoul Police Department (Department) seeking various records related to crash report number 22-09584. On December 12, 2022, the Department provided you with responsive records with portions redacted. The Department did not identify a legal basis for those redactions under section 7 of FOIA (5 ILCS 140/7 (West 2021 Supp.)), as amended by Public Acts 102-694, effective January 7, 2022, revised February 3, 2022; 102-791, effective May 13, 2022; 102-1055, effective June 10, 2022). On December 16, 2022, this office received your Request for Review contesting the Department's redaction of witness names and contact information.

Section 7(1)(d)(iv) of FOIA (5 ILCS 140/7(1)(d)(iv) (West 2021 Supp.)), as amended by Public Acts 102-694, effective January 7, 2022, revised February 3, 2022; 102-791, effective May 13, 2022; 102-1055, effective June 10, 2022) exempts from disclosure:

(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; **except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government**, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request[.] (Emphasis added.)

The Public Access Bureau has previously determined that "identity" in section 7(1)(d)(iv) refers to a witness' name exclusively, not his or her address, phone number, or other personal contact information. *See, e.g.*, Ill. Att'y Gen. PAC Req. Rev. Ltr. 11566, issued February 18, 2011, at 3.

This office's review of the redacted records finds that the Department provided the names of witnesses, but redacted other personal contact and identifying information.

Though the Department failed to cite a statutory exemption for its redactions, section 7(1)(b) of FOIA (5 ILCS 140/7(1)(b) (West 2021 Supp.), as amended by Public Acts 102-694, effective January 7, 2022, revised February 3, 2022; 102-791, effective May 13, 2022; 102-1055, effective June 10, 2022) exempts from disclosure "private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order Section 2(c-5) of FOIA (5 ILCS 140/2(c-5) (West 2020)) defines "private information" as:

[U]nique identifiers, including a person's **social security number, driver's license number**, employee identification number, biometric identifiers, **personal financial information**, passwords or other access codes, medical records, **home or personal telephone numbers**, and personal email addresses. Private information also includes **home address and personal license plates**, except as otherwise provided by law or when compiled without possibility of attribution to any person. (Emphasis added.)

Additionally, the Attorney General has determined that dates of birth are exempt from disclosure under section 7(1)(c) of FOIA¹ (5 ILCS 140/7(1)(c) (West 2021 Supp.), as amended by Public Acts 102-694, effective January 7, 2022, revised February 3, 2022; 102-791,

¹Section 7(1)(c) exempts personal information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

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effective May 13, 2022; 102-1055, effective June 10, 2022). *See* Ill. Att'y Gen. Pub. Acc. Op. No. 16-009, issued November 7, 2016, at 12.

Because section 7(1)(d)(iv) of FOIA requires the Department to provide only the names of witnesses to traffic accidents, the Department did not violate FOIA by redacting from the records you requested contact information and birth dates that are exempt from disclosure pursuant to section 7(1)(b) or 7(1)(c) of FOIA. Accordingly, this office concludes that no further action is warranted in this matter.

The Office of the Public Access Counselor, however, is also charged with providing advice and education to both the public and public officials. *See* 15 ILCS 205/7(a), (b), (c) (West 2020). In that capacity, this office notes that the Department also redacted descriptive information about witnesses, including sex, height, weight, hair color, and eye color. This office has previously determined that this information is not highly personal in nature and that disclosure of this information would not be objectionable to a reasonable person.² *See, e.g.*, Ill. Att'y Gen. PAC Req. Rev. Ltr. 39699, issued July 10, 2018, at 4. This office requests that the Department to adhere to this guidance in responding to future FOIA requests.

This letter serves to close this file. If you have questions, please contact me at the Chicago address on the bottom of the first page of this letter.

Very truly yours,



BENJAMIN J. SILVER
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
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²However, the Public Access Bureau has consistently determined that an individual's race is highly personal information that may be redacted pursuant to section 7(1)(c) of FOIA. *See, e.g.*, Ill. Att'y Gen. PAC Req. Rev. Ltr. 18274, issued March 27, 2012.