



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

March 27, 2025

Via electronic mail

Mr. Jakub Malinowski
Litigation Assistant
Witherite Law Group
161 North Clark Street, Suite 1875
Chicago, Illinois 60601
jakub.malinowski@witheritelaw.com

RE: FOIA Requests for Review – 2025 PAC 85584, 85585

Dear Mr. Malinowski:

This determination is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2023 Supp.)). For the reasons explained below, this office has determined that no further action is warranted in these matters.

On February 12, 2025, Mr. Christopher K. Provost, on behalf of Witherite Law Group, submitted two FOIA requests to the Illinois State Police (ISP) seeking, in relevant part, an unredacted copy of a Traffic Crash Report related to case number 03-23-12586. On February 28, 2025, ISP granted the request in part and denied it in part pursuant to sections 7(1)(b) and 7(1)(c) of FOIA.¹ ISP stated that it had withheld home addresses, driver's license numbers, personal license plates, signatures, and dates of birth. ISP invited Mr. Provost to submit a subpoena for an unredacted copy of the traffic crash report. On March 5, 2025, you submitted, on behalf of Witherite Law Group, the above-referenced Requests for Review contesting ISP's response. In your Requests for Review, you stated that you needed unredacted copies of the records in order to serve a specified driver mentioned in the crash report. On March 26, 2025, Mr. Provost confirmed in a telephone conversation with a Supervising Attorney in the Public Access Bureau that your office is contesting only ISP's withholding of additional identifying information for the driver at this time.

¹5 ILCS 140/7(1)(b), (1)(c) (West 2023 Supp.), as amended by Public Acts 103-605, effective July 1, 2024; 103-865, effective January 1, 2025.

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Section 7(1)(b) of FOIA exempts from disclosure "[p]rivate 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 2023 Supp.)) 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.)

Section 7(1)(c) of FOIA exempts from disclosure "[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." The Attorney General has issued a binding opinion concluding that "an individual's birth date is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information." Ill. Att'y Gen. Pub. Acc. Op. No 16-009, issued November 7, 2016, at 12.

Although you stated that you require additional identifying information for the driver in order to serve him, ISP is not required by FOIA to provide the identifying details contained in the crash report beyond the driver's name. *See* Ill. Att'y Gen. Pub. Acc. Op. No. 24-012, issued October 22, 2024 (concluding that, although section 7(1)(d)(iv) of FOIA² requires a public body to release "the identities of witnesses to traffic crashes," a public body is nonetheless permitted to redact private information pursuant to section 7(1)(b) of FOIA). Identifying

²Section 7(1)(d)(iv) of FOIA (5 ILCS 140/7(1)(d)(iv) (West 2023 Supp.), as amended by Public Acts 103-605, effective July 1, 2024; 103-865, effective January 1, 2025) 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.)

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information such as a home address, driver's license number, or date of birth for the specified driver is exempt from disclosure under sections 7(1)(b) and 7(1)(c) of FOIA. Accordingly, the Public Access Bureau has concluded that no further action is warranted in this matter. You may wish to follow ISP's instructions for submitting a subpoena for an unredacted copy of the crash report.

This letter serves to close this matter. If you have any questions, please contact me at (773) 590-7878 or benjamin.silver@ilag.gov.

Very truly yours,

A large black rectangular redaction box covering the signature of Benjamin J. Silver.

BENJAMIN J. SILVER
Supervising Attorney
Public Access Bureau

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