



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

October 2, 2024

PUBLIC ACCESS OPINION 24-012
(Request for Review 2024 PAC 81978)

FREEDOM OF INFORMATION ACT:
Home or Personal Telephone Numbers
of Witnesses to Traffic Crashes

Ms. Deanna Wolff
Legal Assistant
Kanoski Bresney
237 East Front Street
Bloomington, Illinois 61701

Ms. Brittany Anello
FOIA Officer
Central Illinois Regional Dispatch Center
1078 West Rotary Way
Decatur, Illinois 62521

Dear Ms. Wolff and Ms. Anello:

This binding opinion is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2023 Supp.)). For the reasons discussed below, this office concludes that the Central Illinois Regional Dispatch Center (CIRDC) did not violate the requirements of FOIA by redacting the home or personal telephone numbers of 911 callers from the 911 audio recordings responsive to Ms. Deanna Wolff's FOIA request.

BACKGROUND

On June 25, 2024, Ms. Wolff submitted a FOIA request to CIRDC on behalf of a legal client of the law firm Kanoski Bresney seeking copies of the 911 call recordings and

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transcripts, tapes, or other documents related to an April 15, 2024, traffic crash.¹ In a letter dated June 27, 2024, and transmitted via e-mail on June 28, 2024,² CIRDC responded, in relevant part, by providing Ms. Wolff with copies of 911 audio recordings, but redacted the portions in which the callers gave their names and phone numbers.³ CIRDC's response letter did not cite any FOIA exemption(s) for those redactions.⁴ On June 28, 2024, Ms. Wolff submitted a Request for Review to the Public Access Bureau via e-mail contesting CIRDC's redaction of the names and telephone numbers of the 911 callers.⁵ She explained that her law firm seeks the witnesses' names and contact information to question them about the traffic crash:

This crash involves a question of lights and who had the right of way. The crash report only lists one witness, however, there were multiple people who called it in. It is imperative that we speak with all witnesses in order to determine what happened to ensure [our client] is adequately represented.^[6]

On July 1, 2024, an Assistant Attorney General (AAG) in the Public Access Bureau attempted to send a copy of the Request for Review to CIRDC, but inadvertently used an incorrect e-mail address.⁷ On August 7, 2024, the AAG successfully sent a copy of the Request for Review to CIRDC.⁸ The AAG also sent CIRDC a letter asking for unredacted copies of the requested recordings for this office's confidential review, together with a detailed written response to the allegation that CIRDC improperly redacted the names of the callers.⁹

¹Letter from Deanna Wolff, Legal Assistant, Kanoski Bresney, to Central Illinois Regional Dispatch Center, ATTN: FOIA Officer (June 25, 2024).

²E-mail from CIRDC_Management@cirdcil.gov to [Deanna] Wolff (June 28, 2024).

³Letter from Brittany Anello, FOIA Officer, Central Illinois Regional Dispatch Center, to Deanna Wolff (June 27, 2024).

⁴Section 9(b) of FOIA (5 ILCS 140/9(b) (West 2022)) requires: "When a request for public records is denied on the grounds that the records are exempt under Section 7 of this Act, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority."

⁵E-mail from Deanna Wolff, Legal Assistant, [Kanoski Bresney], to Public Access [Bureau, Office of the Attorney General] (June 28, 2024).

⁶Letter from Deanna Wolff, Legal Assistant, Kanoski Bresney, to Public Access Counselor, Office of the Attorney General (June 28, 2024).

⁷E-mail from Joshua Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General, to [Brittany] Anello at management@cirdcil.gov (July 1, 2024).

⁸E-mail from Josh Jones, [Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General], to [John] Thomas at jthomas@cirdcil.gov (August 7, 2024).

⁹Letter from Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to Brittany Anello, FOIA Officer, Central Illinois Regional Dispatch Center (July 1, 2024), at 2.

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On August 14, 2024, CIRDC elected to provide Ms. Wolff with a new copy of the compiled 911 call recordings without redacting the witnesses' names.¹⁰ The following day, Ms. Wolff notified the AAG that she contested CIRDC's revised response, stating: "The telephone numbers of callers are still redacted and there is no explanation provided as to why. As stated previously, this is a question of lights and it is imperative that we speak to all witnesses to get a better understanding of what happened."¹¹ On that same date, the AAG responded:

Home or personal telephone numbers are exempt from disclosure under section 7(1)(b). Please see the attached determination letter from a previous file in which this office explained: "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 * * * pursuant to section 7(1)(b)[.]"¹²

In this e-mail, the AAG attached a copy of the determination letter from a previous file (2022 PAC 74691) in which Ms. Wolff also was the requester. On that same date, Ms. Wolff replied by emphasizing certain language from section 7(1)(d)(iv)¹³ and arguing that it requires disclosure of the home or personal telephone numbers:

Section 7(1)(d)(iv) states:

(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 crashes, traffic crash reports, and rescue reports shall be provided by agencies of

¹⁰E-mail from Brittany Anello, Communications Supervisor, Central Illinois Regional Dispatch Center, to Deanna Wolff (August 14, 2024).

¹¹E-mail from Deanna Wolff, Legal Assistant, Kanoski Bresney, to [Joshua] Jones, [Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General] (August 15, 2024).

¹²E-mail from Joshua Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General, to [Deanna] Wolff (August 15, 2024) (quoting Ill. Att'y Gen. PAC Req. Rev. Ltr. 74691, issued February 6, 2023, at 3).

¹³5 ILCS 140/7(1)(d)(iv) (West 2023 Supp.).

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]

Three things:

1. It appears to me that this Section 7(1)(d)(iv) deals with **confidential** sources. Clearly this is not a case where a confidential source will be revealed because the name of the persons on the 911 calls have been provided; it is only their phone numbers that have been withheld.
2. It continues with "...the **exception** of identities of witnesses to traffic crashes, traffic crash reports, and rescue reports **shall be provided**..."
3. Furthermore, attorneys are officers of the Court and are held to a higher standard with regard to how they use individual's personal information. The request was made on company letterhead and sent using a company email address. This request was not from an ordinary citizen. (Emphasis in original.)^[14]

The AAG responded by highlighting the pertinent language from section 7(1)(d)(iv): "or persons who * * * provide information to * * * law enforcement[,]" as well as the term "identities" in the phrase "identities of witnesses to traffic crashes."¹⁵ Ms. Wolff replied: "One of the words you highlighted is 'identity'. You cannot have identity without having at least one piece of personal information...home address, phone number or date of birth, etc. Without an additional piece of information, it is just a name and is, in and of itself, useless."¹⁶ Additionally, referring to the determination letter in 2022 PAC 74691, Ms. Wolf stated: "I just don't agree with it when it comes to disclosing information contained on crash reports and 911 calls when people voluntarily call an agency and provide their information of their own free will and understand that they may be contacted about what they witnessed."¹⁷

¹⁴E-mail from Deanna Wolff, Legal Assistant, Kanoski Bresney, to [Joshua] Jones, [Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General] (August 15, 2024).

¹⁵E-mail from Joshua Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General, to [Deanna] Wolff (August 15, 2024).

¹⁶E-mail from Deanna Wolff, Legal Assistant, Kanoski Bresney, to [Joshua Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General] (August 15, 2024).

¹⁷E-mail from Deanna Wolff, Legal Assistant, Kanoski Bresney, to [Joshua Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General] (August 15, 2024).

On August 23, 2024, this office extended the time within which to issue a binding opinion by 30 business days, to October 9, 2024, pursuant to section 9.5(f) of FOIA.¹⁸

ANALYSIS

Under FOIA, "[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt." 5 ILCS 140/1.2 (West 2022).

The relevant exemptions in this matter are sections 7(1)(b)¹⁹ and 7(1)(d)(iv) of FOIA. 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." (Emphasis added.) Section 2(c-5) of FOIA²⁰ defines "private information" in relevant part 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.)

In construing a statute, the primary objective is to ascertain and give effect to the intent of the General Assembly. *Southern Illinoisan v. Illinois Department of Public Health*, 218 Ill. 2d 390, 415 (2006). "[T]he surest and most reliable indicator of" legislative intent "is the statutory language itself, given its plain and ordinary meaning." *Board of Education of Springfield School District No. 186 v. Attorney General of Illinois*, 2017 IL 120343, ¶ 24.

By its plain language, section 2(c-5) of FOIA defines "home or personal telephone numbers" as a form of "private information" that is exempt from disclosure under section 7(1)(b). Section 2(c-5) contains no exception to the exemption of home or personal telephone numbers. In contrast, section 2(c-5) expressly provides an exception for home addresses and personal license plate numbers when a law otherwise requires disclosure or when those pieces of information may be compiled without possibility of attribution to any person. Had the General Assembly intended home or personal telephone numbers to be non-exempt in any circumstances, it would have provided a similar exception for those circumstances. The

¹⁸Letter from Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to Deanna Wolff, Legal Assistant, Kanoski Bresney, and Brittany Anello, FOIA Officer, Central Illinois Regional Dispatch Center (August 23, 2024).

¹⁹5 ILCS 140/7(1)(b) (West 2023 Supp.).

²⁰5 ILCS 140/2(c-5) (West 2023 Supp.).

absence of an express exception to the exemption of home or personal telephone numbers evinces the General Assembly's intent to have no exception for that information. *See Brunton v. Kruger*, 2015 IL 117663, ¶ 67 ("We will not read in an additional exception to a statute that contains only one express exception, indicating a legislative intent to limit exceptions to that single instance. The creation of such an exception is a matter for the legislature.").

"Private information" is exempt from disclosure under the plain language of section 7(1)(b) "unless disclosure is required by another provision of this Act, a State or federal law, or a court order." There is no suggestion that another State law, a federal law, or a court order requires disclosure of the home or personal telephone numbers responsive to Ms. Wolff's request. Ms. Wolff, however, argues that law firms like her employer are entitled to greater access to public records because "attorneys are officers of the Court and are held to a higher standard with regard to how they use individual's personal information."²¹ There is no statutory basis for such an exception. FOIA applies to requesters equally, providing that "*all persons* are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of this Act." (Emphasis added.) 5 ILCS 140/1 (West 2022). The professional credentials and motives of requesters have no bearing on whether "private information" is exempt from disclosure pursuant to section 7(1)(b).

Notably, the Illinois Supreme Court in *Mancini Law Group, P.C. v. Schaumburg Police Department*, 2021 IL 126675, upheld the circuit court's ruling that a police department did not waive the ability to redact the home or personal telephone numbers of traffic accident witnesses. The plaintiff in *Mancini*, which was a law firm, argued that the police department was precluded from applying the section 7(1)(b) exemption because it had provided unredacted traffic accident reports to Lexis-Nexis. *Mancini*, 2021 IL 126675, ¶¶ 17-18. Despite that arrangement, the court held that "the Department could not waive the privacy interests of the individuals whose exempt information is contained in the traffic accident reports." *Mancini*, 2021 IL 126675, ¶ 52. While waiver is not at issue in this matter, the court's unwillingness to adopt the law firm's "rigid argument to the detriment of private individuals[]"²² contradicts the argument that FOIA requires public bodies to disclose to law firms the home and personal telephone numbers of witnesses to traffic accidents.

Moreover, section 7(1)(d)(iv) of FOIA does not diminish a public body's ability to redact home or personal telephone numbers. Section 7(1)(d)(iv) exempts from disclosure:

(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law

²¹E-mail from Deanna Wolff, Legal Assistant, Kanoski Bresney, to [Joshua] Jones, [Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General] (August 15, 2024).

²²*Mancini*, 2021 IL 126675, ¶¶ 53, 55.

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 crashes, traffic crash 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.)

Although Ms. Wolff argued that section 7(1)(d)(iv) applies only to "confidential sources," the plain language of the exemption also encompasses "persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies[.]" Construing section 7(1)(d)(iv) as applying only to confidential sources would render that entire clause superfluous. "A reasonable construction must be given to each word, clause, and sentence of a statute," however, "and no term should be rendered superfluous." *Better Government Ass'n v. Illinois High School Ass'n*, 2017 IL 121124, ¶22. Therefore, the language "or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies" must be given effect. Illinois courts have given effect to that language outside of the context of traffic crashes by concluding that information that would unavoidably identify persons who filed complaints with or provided information to law enforcement—such as 911 callers—is exempt from disclosure under section 7(1)(d)(iv). See *Edgar County Watchdogs v. Will County Sheriff's Office*, 2023 IL App (3d) 210058, ¶ 22 ("There is no question that the 911 calls in this case qualify as records of persons who file complaints with or provide information to law enforcement agencies."); see also *Brazas v. Ramsey*, 291 Ill. App. 3d 104, 109 (1997) (noting that a 911 call made by the plaintiff's wife about the plaintiff would be exempt from disclosure to the plaintiff because it would reveal "the identity of persons who file complaints with or provide information to *** law enforcement *** agencies." (quoting 5 ILCS 140/7(1)(b)(v) (West 1994)²³)).

Ms. Wolff also claimed that section 7(1)(d)(iv) does not apply "when people voluntarily call an agency and provide their information of their own free will and understand that they may be contacted about what they witnessed."²⁴ The Illinois Appellate Court rejected a

²³This statutory subsection provided a prior version of the section 7(1)(d)(iv) exemption.

²⁴E-mail from Deanna Wolff, Legal Assistant, Kanoski Bresney, to [Joshua Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General] (August 15, 2024).

similar argument in *Chicago Alliance for Neighborhood Safety v. City of Chicago*, 348 Ill. App. 3d 188 (2004). In that case, the plaintiff argued that the language "information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies" in a prior version of section 7(1)(d)(iv)²⁵ "only comports with common sense if its application is limited under circumstances where an expectation of confidentiality can reasonably be implied." *Chicago Alliance*, 348 Ill. App. 3d at 201. The plaintiff reasoned that the names and addresses of community liaisons to the police on beat meeting forms were not exempt because beat meetings are open to the public, the liaisons served under a police department order that made them community representatives, and the forms constituted the official meeting records. *Chicago Alliance*, 348 Ill. App. 3d at 201. The court explained that the "[p]laintiff's interpretation is not supported by the plain language of the statute[]" because the exemption "does not state it exempts from disclosure names of people who provide information to a law enforcement agency only if those persons have a reasonable basis to believe their names are going to be kept confidential." *Chicago Alliance*, 348 Ill. App. 3d at 201. While the 911 callers at issue in Ms. Wolff's request who gave their phone numbers to the dispatcher may have anticipated being contacted about what they witnessed, that possibility does not render the section 7(1)(d)(iv) exemption inapplicable to the identifying information of people who elect to call 911 or otherwise voluntarily contact law enforcement.

Lastly, although Ms. Wolff argued that the term "identity" in section 7(1)(d)(iv) consists of "at least one piece of personal information...home address, phone number, date of birth etc." in addition to a person's name,²⁶ she cited no authority for that proposition, and none is evident. FOIA does not define "identity." "It is appropriate to use a dictionary to ascertain the meaning of an otherwise undefined word or phrase." *Poris v. Lake Holiday Property Owners Ass'n*, 2013 IL 113907, ¶ 48. "Identity" is defined as "a person's name and other facts about who they are[.]"²⁷ That definition is not contingent on contact information in addition to a name, or indicate that a home or personal telephone number is essential to the term. The definition reflects that a person's name is core to a person's identity, and that various other attributes may comprise aspects of a person's full identity. But contact information such as a home or personal telephone number is not necessary to provide an essential component of an "identity."

Nonetheless, the purpose of the exception for the identities of witnesses to traffic crashes in section 7(1)(d)(iv) appears to concern the ability of victims of traffic crashes and insurance companies to obtain redress, potentially through personal injury law firms such as Ms. Wolff's, and readily obtaining access to witnesses' home or personal telephone numbers would further those efforts. Accordingly, this office has examined the background of the exemption to shed further light on its meaning.

²⁵5 ILCS 140/7(1)(b)(v) (West 2000).

²⁶E-mail from Deanna Wolff, Legal Assistant, Kanoski Bresney, to [Joshua Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General] (August 15, 2024).

²⁷Cambridge Online Dictionary, <https://dictionary.cambridge.org/dictionary/english/identity>.

In *Staske v. Champaign*, 183 Ill. App. 3d 1 (1989), the plaintiff requested from the responding police department a copy of the traffic accident report from an accident in which he was involved. *Staske*, 183 Ill. App. 3d at 2. The police department provided a copy of the report but redacted the witness information under the personal privacy exemption in effect at the time; the exemption covered "[i]nformation which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless such disclosure is consented to in writing by the individual subjects of such information[.]" which expressly included "information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies." *Staske*, 183 Ill. App. 3d at 3-4 (quoting Ill. Rev. Stat. 1987, ch. 116, par. 207(b)(v)). Under the plain language of this exemption, the court concluded that "the names, addresses, and statements of witnesses contained on a traffic accident report" were *per se* exempt from disclosure. *Staske*, 183 Ill. App. 3d at 4-5.

At the time of the FOIA request at issue in the *Staske* decision, section 8 of FOIA²⁸ provided: "If any public record that is exempt from disclosure under section 7 of this Act contains any material which is not exempt, the public body shall separate the exempt material and make the non-exempt material available for inspection and copying." Public Act 85-1357, effective January 1, 1989, amended that provision to state: "If any public record that is exempt from disclosure under Section 7 of this Act contains any material which is not exempt, the public body *shall delete the information which is exempt* and make the remaining information available for inspection and copying." (Emphasis added.) Thus, public bodies were directed to redact information that fell within the scope of a FOIA exemption.

The General Assembly reacted to the *Staske* decision by amending FOIA to clarify that law enforcement agencies could still disclose traffic accident reports and provide information identifying witnesses to traffic accidents. Public Act 88-444, effective August 20, 1993, appended the language italicized below to the exemption:

information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies; *provided, however, that identification of witnesses to traffic accidents, traffic accident reports, and rescue reports may be provided by agencies of local government, except in a case for which a criminal investigation is ongoing, without constituting a clearly unwarranted per se invasion of personal privacy under this subsection.* (Emphasis added.)

During the House floor debate on Senate Bill 142, which was later enacted as Public Act 88-444, Representative Brady explained that the bill "simply allows * * * police departments to release information as they have done historically[.]" for "a judicial case which

²⁸Ill. Rev. Stat. 1987, ch. 116, par. 208.

indicated possibly some liability because of a...a technical interpretation of the law."²⁹ In response to a question about whether the bill concerned witnesses, Representative Brady stated:

This Bill does not change, in any way, what municipalities have been doing with witnesses. A practice that is used is that witness information is released to individuals so that they can investigate claims for insurance and historically over the last many years police departments have released this information usually for a fee to insurance companies so that they can handle insurance claims in a proficient manner.^[30]

Representative Brady explained that after the *Staske* ruling, municipalities feared liability if they released witness information:

If we don't pass this almost every municipality, in the State of Illinois, will no longer release any information whatsoever to insurance companies for the witnesses, nor to the media about as you've seen ambulance runs and that kind of stuff in the past and we would cause a great increase in a time period to settle insurance claims as well as a problem between municipalities and the press and everything.^[31]

Representative Brady assured fellow representatives that with the legislation "[w]e are just making it legal for things to continue as they have[.]" alluding to municipalities interpreting the *Staske* decision to mean that they would be legally liable if they gave out any information about witnesses to traffic accidents.³²

Representative Ostenburg, however, noted a technical error, in that the bill would add the language: "provided that witnesses to traffic accidents * * * may be provided[.]"³³ Representative Ostenburg asked: "Would you be agreeable to an Amendment that would change that wording to either identification of witnesses or names of witnesses will be provided? I think it would be a little difficult to provide the witnesses."³⁴ Representative Brady agreed,³⁵ and the

²⁹Remarks of Rep. Brady, May 12, 1993, House Debate on Senate Bill No. 142, at 174.

³⁰Remarks of Rep. Brady, May 12, 1993, House Debate on Senate Bill No. 142, at 174.

³¹Remarks of Rep. Brady, May 12, 1993, House Debate on Senate Bill No. 142, at 175.

³²Remarks of Rep. Brady, May 12, 1993, House Debate on Senate Bill No. 142, at 176.

³³Remarks of Rep. Ostenburg, May 12, 1993, House Debate on Senate Bill No. 142, at 177.

³⁴Remarks of Rep. Ostenburg, May 12, 1993, House Debate on Senate Bill No. 142, at 177.

³⁵Remarks of Rep. Brady, May 12, 1993, House Debate on Senate Bill No. 142, at 177.

bill was taken out of the record to make that amendment; as noted above, the General Assembly proceeded with the amended language "provided, however, that identification of witnesses to traffic accidents * * * may be provided." This amended language allowed, but did not require, public bodies to disclose both the names of witnesses to traffic accidents and other identifying information about them pursuant to FOIA.

On January 1, 2010, FOIA was overhauled with the enactment of Public Act 96-542. The provision pertaining to witnesses of traffic accidents now exempted from disclosure law enforcement records to the extent that disclosure would:

[U]navoidably 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[.]³⁶

The Public Act also amended FOIA in two other ways that are vital to the analysis of this matter. Section 8 of FOIA, which contained the language "shall delete the information which is exempt," was repealed, and the following language was added: "When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body *may elect* to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying[.]" (Emphasis added.)³⁷ Additionally, the amendment added the definition of "private information" to FOIA, including, without exception, "home or personal telephone numbers[.]"³⁸ In interpreting a statute, "each section should be construed with every other part or section of the statute to produce a harmonious whole." *Land v. Board of Education*, 202 Ill. 2d 414, 422 (2002). The amendments enacted by Public Act 96-542 may be read harmoniously to require disclosure of the "identities of witnesses to traffic crashes," while permitting the redaction of home or personal telephone numbers.

Accordingly, as it stands, public bodies shall disclose at least the names of witnesses to traffic crashes in response to FOIA requests, but retain the authority to redact their home or personal telephone numbers. To require CIRDC or any other public body to disclose the home or personal telephone numbers of traffic crash witnesses would necessitate amendatory

³⁶Public Act 96-542, § 10, effective January 1, 2010 (amending and codifying 5 ILCS 140/7(1)(d)(iv) (West 2010)).

³⁷Public Act 96-542, § 10, effective January 1, 2010 (adding 5 ILCS 140/7(1)).

³⁸Public Act 96-542, § 10, effective January 1, 2010 (adding 5 ILCS 140/2(c-5)).

language so stating. Because the home or personal telephone numbers of traffic crash witnesses are exempt from disclosure under section 7(1)(b) of FOIA, CIRDC's redaction of the 911 callers' home or personal telephone numbers did not violate the requirements of the Act.

FINDINGS AND CONCLUSIONS

After full examination and giving due consideration to the information submitted, the Public Access Counselor's review, and the applicable law, the Attorney General finds that:

1) On June 25, 2024, Ms. Deanna Wolff submitted a FOIA request to CIRDC on behalf of a legal client of the law firm Kanoski Bresney seeking copies of the 911 call recordings and other records related to an April 15, 2024, traffic crash.

2) In a letter dated June 27, 2024, and transmitted via e-mail on June 28, 2024, CIRDC responded, in relevant part, by providing Ms. Wolff with copies of 911 audio recordings, but redacted the portions in which the callers gave their identifying information.

3) In an e-mail transmitted to the Public Access Bureau on June 28, 2024, Ms. Wolff submitted a Request for Review contesting CIRDC's redaction of the witnesses' names and telephone numbers. The Request for Review was timely filed and otherwise complies with the requirements of section 9.5(a) of FOIA (5 ILCS 140/9.5(a) (West 2023 Supp.)).

4) On August 7, 2024, the Public Access Bureau sent a copy of the Request for Review to CIRDC. The Public Access Bureau also sent CIRDC a letter asking for unredacted copies of the responsive recordings for this office's confidential review, and a detailed explanation of the legal and factual bases for redacting the witnesses' names.

5) On August 14, 2024, CIRDC elected to provide Ms. Wolff with a copy of a compiled recording of the 911 calls without redacting the names of witnesses, but still redacted their home or personal telephone numbers.

6) On August 15, 2024, Ms. Wolff replied that she disputed the redaction of the witnesses' home or personal telephone numbers.

7) On August 23, 2024, this office properly extended the time within which to issue a binding opinion by 30 business days, to October 9, 2024, pursuant to section 9.5(f) of FOIA. Accordingly, the Attorney General may properly issue a binding opinion with respect to this matter.

8) 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 defines "private information" as "unique identifiers, including * * * home or personal telephone numbers[.]" The definition contains no exception to the exemption of home or personal telephone numbers, in contrast to certain other forms of private

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information for which section 2(c-5) expressly provides exceptions. No provision of FOIA, another State law, a federal law, or a court order requires disclosure of the home or personal telephone numbers of traffic crash witnesses.

9) Section 7(1)(d)(iv) of FOIA exempts from disclosure information that would "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 crashes, traffic crash 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[.]" The meaning of the "identities" that shall be provided in this exemption cannot be construed to include witnesses' "home or personal telephone numbers," because "home or personal telephone numbers" are expressly exempt from disclosure under section 7(1)(b).

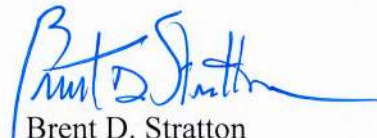
Therefore, it is the opinion of the Attorney General that the Central Illinois Regional Dispatch Center did not violate the requirements of FOIA by redacting the traffic crash witnesses' home or personal telephone numbers from the 911 call audio recordings responsive to Ms. Deanna Wolff's Freedom of Information Act request.

This opinion shall be considered a final decision of an administrative agency for the purposes of administrative review under the Administrative Review Law. 735 ILCS 5/3-101 *et seq.* (West 2022). An aggrieved party may obtain judicial review of the decision by filing a complaint for administrative review with the Circuit Court of Cook or Sangamon County within 35 days of the date of this decision naming the Attorney General of Illinois and the Central Illinois Regional Dispatch Center as defendants. *See* 5 ILCS 140/11.5 (West 2022).

Very truly yours,

KWAME RAOUL
ATTORNEY GENERAL

By:


Brent D. Stratton
Chief Deputy Attorney General

CERTIFICATE OF SERVICE

Steve Silverman, Bureau Chief, Public Access Bureau, hereby certifies that he has served a copy of the foregoing Binding Opinion (Public Access Opinion 24-012) upon:

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

Ms. Brittany Anello
FOIA Officer
Central Illinois Regional Dispatch Center
1078 West Rotary Way
Decatur, Illinois 62521
banello@cirdcil.gov

by causing a true copy thereof to be sent electronically to the addresses as listed above and by causing to be mailed a true copy thereof in correctly addressed, prepaid envelopes to be deposited in the United States mail at Chicago, Illinois on October 2, 2024.



Steve Silverman
Bureau Chief

Steve Silverman
Bureau Chief
Public Access Bureau
Office of the Attorney General
115 South LaSalle Street
Chicago, Illinois 60603
(312) 814-6756