



Court throws out privacy lawsuit for publishing name, address and phone number on website

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Pursuant to the Village of Tinley Park's Ethics Ordinance, Village resident Karen Weigand submitted an ethics complaint against Village Trustee (now Mayor) Michael Glotz, and Village Clerk Kristin Thirion. The ethics complaint was accompanied by a cover letter containing Weigand's name, address, telephone number, and signature. Following past Village practice, the ethics complaint was posted on the Village's website. However, contrary to past practice, the name address, telephone number, and signature of the complainant were not redacted. Later that evening, Weigand received a call from an acquaintance telling her that the unredacted ethics complaint (revealing her name, address, telephone number and signature) was posted on the Village's website. Weigand called 911 demanding the immediate removal of her information and insisting that a supervisor come to her home to make a report. Although the police did respond to Weigand's home and contacted the Assistant Village Manager/Director EM and 911 Communications, her "personal" information was not removed from the website until the following morning. As a result of her unredacted "personal" information being posted to the Village's website for a very brief time, Weigand sued the Village, the Village Clerk and the Assistance Village Manager, claiming violations of her federal constitutional right to privacy, state law invasion of privacy, and intentional infliction of emotional distress. She later attempted to add counts for violations of equal protection, the Illinois Constitution, Village ordinance, and negligent infliction of emotional distress. Motions to dismiss eliminated all but the state law invasion of privacy and intentional infliction of emotional distress claims.

The Village moved for summary judgment on the remaining counts asserting that Weigand's name, address, telephone number, and signature were not private information for purposes of the Illinois common law tort of invasion of privacy, which requires the facts to be facially revealing and highly offensive if disclosed, such as employees' family matters, health problems, and sex lives. Among Weigand's arguments in opposition to the motion for summary judgment was that Illinois' FOIA includes telephone numbers and home addresses in its definition of "private information." (5 ILCS 140/2(c-5)). Because the Village's Ethics Ordinance adopted FOIA's definition of "private information," Weigand argued that she was not required to prove that the information disclosed was facially embarrassing or highly offensive. The trial court rejected that argument finding that Weigand's name, address, telephone number, and signature were not "private" information for purposes of a common-law claim of invasion of privacy and granted summary judgment on those counts. Moreover, because the "extreme and outrageous" that formed the basis of her intentional infliction of emotional distress claim was disclosure of her information, summary judgment was also entered on those counts.