



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 20, 2011

Ms. Nicole Leja
Freedom of Information Officer
Yorkville Police Department
804 Game Farm Road
Yorkville, IL 60560

RE: FOIA Pre-Authorization Request – 2011 PAC 13797

Dear Ms. Leja:

We have received and reviewed the written notice from the City of Yorkville Police Department (Department) of its intention to deny disclosure of certain information pursuant to section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010).

On April 11, 2011, [REDACTED] submitted a FOIA request for a copy of specific police report. In its written notice, the Department asserts that certain information contained within the requested records is exempt from disclosure under section 7(1)(c) of FOIA.

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." The exemption defines "unwarranted 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." 5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010.

DETERMINATION

First, the Department's use of the exemption in section 7(1)(c) to withhold certain references to the health of the suspect and other individuals, as contained in pages 7-8, 38, 39, 42, 45-46, 53-54, and 67 of Report No. 040089 and pages 34-36 of all other paperwork, is **approved**. We conclude that the Department has met its initial burden of demonstrating that information relating to medical condition and treatment is personal by its very nature and its disclosure would be highly objectionable to a reasonable person. Under these circumstances, the

Ms. Nicole Leja
May 20, 2011
Page 2

subject's right to privacy outweighs any public interest in the information that the Department intends to withhold.


Second, the Department's use of the exemption in section 7(1)(c) to withhold certain statements contained on pages 14-17, 20-21, 24, 33, 40, 49, 50, 56, 58 of Report No. .040089, as well as certain information contained in the other responsive records, is **denied**. Contrary to the Department's assertions, these statements do not disclose any medical information, but rather, they consist of several opinions regarding the behavior and mannerism of the suspect. Thus, we have determined that the disclosure of these statements would not constitute a clearly unwarranted invasion of personal privacy. As a result, the Department has failed to meet its burden of demonstrating, with clear and convincing evidence, a basis for withholding this information under section 7(1)(c).

Third, the Department's use of the exemption in section 7(1)(c) to withhold specific references to personal family relationships as contained in pages 18, 40, 46, 59, 60-61, 66-67 of Report No. 040089 is **approved**. We have determined that the Department has met its initial burden of demonstrating that this information is personal by its very nature and its disclosure would be highly objectionable to a reasonable person. Consequently, the right to privacy outweighs any public interest in the information that the Department intends to withhold.

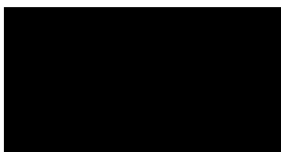
Last, the Department's use of the exemption in section 7(1)(c) to withhold the suspect's description of the murder and statements regarding the suspect's job history is **denied**. We have determined that these statements do not amount to a clearly unwarranted invasion of personal privacy as defined under section 7(1)(c). As a result, the Department has not met its burden of demonstrating, with clear and convincing evidence, a basis for withholding this information.

If you have any questions, please contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Very truly yours,


TOLA SOBITAN
Assistant Attorney General
Public Access Bureau

cc:



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