



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

May 23, 2011

Ms. Jaye Valadez-Wilger, FOIA Officer  
St. Charles Police Department  
Two State Avenue  
St. Charles, IL 60174-1984

RE: FOIA Pre-Authorization Request – 2011 PAC 14194

Dear Ms. Valadez-Wilger:

We have received and reviewed the written notice from the St. Charles Police Department (Department) of its intention to deny certain information as exempt from disclosure 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). Specifically, on May 9, 2011, [REDACTED] submitted a FOIA request to the Department for records of domestic disputes or criminal activity at 930 Spring Avenue. The Department is seeking to redact "highly personal and private" information from several otherwise responsive police reports.

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**

The Department's use of the exemption in section 7(1)(c) to redact the specified narrative portions of the reports is **approved**. We have reviewed un-redacted copies of the reports and determined that most of the redacted portions regard details of incidents for which no individual was arrested or charged. The privacy rights of alleged victims and un-arrested suspects involved in these incidents outweigh any legitimate public interest in obtaining the redacted information. Accordingly, we conclude that the Department has sustained its initial burden of demonstrating

Ms. Jaye Valadez-Wilger  
May 24, 2011  
Page 2

that the redacted information is exempt from disclosure under section 7(1)(c). For the reasons discussed above, the names of individuals identified as victims and suspects in these reports also are exempt from disclosure under section 7(1)(c) and may be redacted.

In addition, the Department's use of section 7(1)(c) to redact information pertaining to specific medical conditions of subjects referenced in the reports is **approved**. Such medical information is highly personal by its very nature. The subjects' right to privacy outweighs any legitimate interest in disclosure of this information. Accordingly, we conclude that the Department has sustained its initial burden of demonstrating that the redacted medical information is exempt from disclosure under section 7(1)(c).

The Department also has redacted certain home addresses from the records. Home addresses constitute "private information," as defined by section 2(c-5) of FOIA (5 ILCS 140/2(c-5) (West 2009 Supp.)). Such private information is exempt from disclosure under section 7(1)(b) (5 ILCS 140/7(1)(b) (West 2009 Supp.)), as amended by Public Act 96-1378, effective July 29, 2010).

Accordingly, the Department may issue a partial denial letter and release the redacted records, if it has not already done so. If you have any questions, please contact me at (312) 814-6756. This correspondence shall serve to close this matter.

Very truly yours,



STEVE SILVERMAN  
Assistant Attorney General  
Public Access Bureau

cc:

