



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

January 28, 2010

Lt. David Dayhoff  
Village of Western Springs  
740 Hillgrove Avenue  
Western Springs, IL 60556

Dear [REDACTED] and Lt. Dayhoff:

RE: FOIA Pre-Approval Request – No. PAC 2010005385

We have received and reviewed the written notice from the Village of Western Springs of its intent to deny access to and redact certain information from the requested police report as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/9.5(b).

The Notice of Intent to Deny is **approved in part and denied in part**. As a result of this review, we have determined that it is **appropriate** to redact the from the report the following information under **Section 7(1)(c)** because disclosure of that information would likely be highly personal or objectionable to a reasonable person and the subject's right to privacy outweighs any public interest in releasing it: regarding contacting and notifying next of kin and the b=name of the contractor for whom the deceased worked. Thus, the request to assert the exemption under 7(1)(c) with regard to that information is hereby approved.

We have determined that it is **not appropriate** for the Village to redact the following information under **Section 7(1)(c)**: the names of responding officers, name of deceased, name of doctors at the Medical Examiner's office involved in the incident, name of the OSHA representative contacted by police and name of the representative of Loyola Hospital contacted by police. These items are not deemed to be information the release of which would be highly personal or objectionable to a reasonable person, and in our opinion would not appear to outweigh public interest in this information. Thus, the Village of Western Springs' request to assert the exemption under 7(1)(c) is hereby **denied** as to those items, and the information, should, accordingly, be released as requested without further inquiry.

Lt. David Dayhoff  
January 28, 2010  
Page 2


Please note that this determination is **only** intended to address the applicability of the **Section 7(1)(c)** exemption to the information the Village seeks to redact and does not address the applicability of other exemptions to the information or records in question. It appears that some of the information the Village seeks to redact may be properly exempt under sections other than 7(1)(c). Of note are Section 7(1)(b), which allows withholding of private information, including home addresses, and 7(1)(d)(iv), which allows withholding of information that would reveal the identities of persons who provide information to police. The Village is not required to seek authorization from the Public Access Counselor prior to withholding information under exemptions other than 7(1)(c) and 7(1)(f).

If you have any questions, please feel free to contact our office at 1-877-299-FOIA (1-877-299-3642). This letter will serve to close this matter.


Sincerely,

Cara Smith  
Public Access Counselor

By:

  
Amanda M. Lundeen  
Assistant Public Access Counselor

AML:dh

cc:   
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