OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 28, 2010

[redacted] Claims Adjuster
Progressive Claims Branch
1110 Dina Ct. Suite B
Hiawatha, IA 52233

Tpr. Kerry Sutton
Illinois State Police
PO Box 19461
Springfield, IL 62794
via email

RE: FOIA Pre-Approval Request – No. PAC2010005390

Dear [redacted] and Tpr. Sutton:

We have received and reviewed the written notice from the Illinois State Police (ISP) of its intent to deny access to and redact dates of birth and witness names from the requested police report as exempt from disclosure under subsection **7(1)(c)** of the Freedom of Information Act (FOIA), 5 ILCS 140/9.5(b).

As a result of this review, we have determined that it is **appropriate** to withhold **dates of birth** in the report 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. Thus, the request to assert the exemption under **Section 7(1)(c)** is hereby approved and further inquiry into this matter is not warranted.

Please note that this determination is **only** intended to address the applicability of the **Section 7(1)(c)** exemption to the information the ISP 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 ISP seeks to redact may be properly exempt under sections other than 7(1)(c). Of note is Section 7(1)(d)(iv), which allows withholding of information that would reveal the identities of persons who provide information to police. The ISP 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