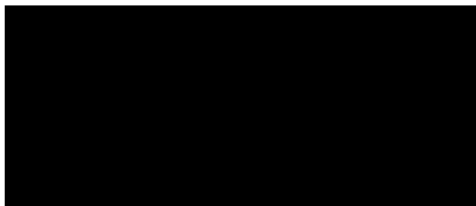




OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 1, 2010



Tpr. Kerry Sutton
801 S. Seventh Street
Suite 1000-S
P.O. Box 19461
Springfield, IL 62794
618-542-2171

RE: FOIA Pre-Approval Request – No. PAC 5440

Dear [REDACTED] and Mr. Sutton:

The Office of the Public Access Counselor has received and reviewed the written notice from the Illinois State Police of its intent to deny [REDACTED] request, in part, of the ISP investigation of Clyde Daniel Graham based on subsection 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/9.5(b) (FOIA).

As a result of this review, we have determined that it is **appropriate** for the Illinois State Police to decline to disclose this information, in part, under subsection 7(1)(c). The portions of the investigation that are redacted are date of births and witness names.

Depending on the circumstance, age can be a highly personal subject. Dates of birth, by their very nature, may be considered personal information, the disclosure of which could constitute an unwarranted invasion of privacy.

However, witness names can be redacted and sent directly to the requester based on the subsection 7(1)(d)(iv) exemption, which allows for non disclosure when information can “unavoidably disclose the identity of a confidential source.” 5 ICLS 140/7(1)(d)(iv).

Therefore, this information can be redacted and sent directly to the requester without the need for a formal pre-authorization process.

Thus, Mr. Sutton's request to assert the exemption under 7(1)(c) is granted regarding the date of births. The witness names can be redacted based on subsection 7(1)(d)(iv) and delivered directly to the requester without the need for formal review prior to delivery.

If you have any questions, please feel free to contact me at (312) 814-6437.

Sincerely,

Cara Smith
Public Access Counselor

By:



Lola Dada-Olley
Assistant Public Access Counselor

