



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 31, 2010

Ms. Beth Janicki Clark
Assistant Village Attorney
Village of Downers Grove
810 Burlington Avenue
Downers Grove, IL 60515

RE: Pre-Authorization Request — 2010 PAC 5605

Dear Ms. Clark:

We have received and reviewed the written notice from the Village of Downers Grove (Village) of its intention to deny certain records requested by [REDACTED] as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA), because they contain “personal information, the disclosure of which would result in a clearly unwarranted invasion of personal privacy.” 5 ILCS 140/7(1)(c). [REDACTED] FOIA request sought certain specified police reports relating to domestic disturbances between [REDACTED] and [REDACTED] former spouse, none of which led to an arrest. The Village indicated in its written notice that it intends to deny a portion of a responsive CAD report dated January 25, 2010 and the narrative section of Incident Report No. 01-09-009823, pursuant to Section 7(1)(c). The Village has provided our office with a redacted copy of these reports.

Determination

As a result of our office’s review, we have determined that the Village has met its initial burden of justifying its use of the exemption in Section 7(1)(c) with regard to the information it has indicated it intends to redact thereunder. We have determined that the disclosure of the information for which we approve the Village’s Notice of Intent herein

would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). This type of information is highly personal by its very nature and the privacy rights of those persons involved outweighs any legitimate public interest in disclosing this information.


The Village also notes that it intends to deny portions of the responsive records, pursuant to Sections 7(1)(a), 7(1)(b), and 7(1)(d). Please note that the FOIA only requires public bodies to submit a Notice of Intent to Deny and request for pre-authorization with regard to assertion of the exemptions in Sections 7(1)(c) (allowing withholding of information the release of which would constitute a clearly unwarranted invasion of personal privacy) and 7(1)(f) (allowing withholding of pre-decisional, deliberative process materials). Where information is specifically exempt under other sections of the Act, public bodies may issue denials relying upon such exemptions directly to the requester, without the need to submit the matter to the Public Access Counselor for pre-authorization.

If you have any questions concerning this matter, please feel free to contact the undersigned at (217) 782-9078. This letter shall serve to close this file.

Sincerely,

Cara Smith
Public Access Counselor

By:


Matthew M. Sebek
Assistant Attorney General, Public Access Division

cc:

