



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 19, 2010

Ms. Maureen Riggs
Deputy City Attorney and FOIA Officer
City of Moline
1616 Sixth Avenue
Moline, Illinois 61265

RE: Pre-Authorization Request – 2010 PAC 5773

Dear Ms. Riggs:

We have received and reviewed the written notice from the City of Moline (City) of its intent to deny disclosure of certain information in Incident/Investigation Report No. 2009-001929 (Report) as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA). The City is seeking to withhold under subsection 7(1)(c) "personal information" that includes the "names of those who interacted with [REDACTED] prior to or on the night of his death", "hearsay suspect information", the "employer's name and address of those interviewed", and "the content of text messages on [REDACTED] telephone".

The City's use of the subsection 7(1)(c) exemption with regard to the text messages is approved. Additionally, based on our review of the Report and the City's arguments in its Notice of Intent to Deny (dated February 8, 2010), it appears that the City's basis for withholding the remaining information falls under subsection 7(1)(d)(iv) of FOIA. Use of that exemption to deny disclosure of information does not require preapproval from our office. As such, we decline to determine whether the information is exempt under subsection 7(1)(c) of FOIA.

Accordingly, ISP should issue a partial denial letter directly to [REDACTED] the FOIA requester, and release the Report to [REDACTED] with the appropriate information redacted. Should you have questions or concerns, please feel free to contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

[REDACTED]
Sara Gadola Gallagher
Deputy Public Access Counselor

cc:

[REDACTED]