



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 20, 2010

Ms. Fran Miller
FOIA Officer
Village of Bolingbrook
375 W. Briarcliff Road
Bolingbrook, Illinois 60440

RE: Pre-Authorization Request – 2010 PAC 5831

Dear Ms. Miller:

We have received and reviewed the written notice from the Village of Bolingbrook (Village) of its intention to withhold certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et. seq.*, as amended.

Specifically, on February 8, 2010, [REDACTED] filed a FOIA request with the Village of Bolingbrook (Village) and requested all information relating to Police Report CR07-47961 (Report), including the Report, which involves the alleged sexual assault of a minor and contains descriptions of the alleged assault.

On February 16, 2010, the Village sent a pre-authorization request to this Office seeking to withhold the Report in its entirety pursuant to Section 7(1)(c) of FOIA which exempts from inspection and copying “[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless disclosure is consented to in writing by the individual subjects of the information.” 5 ILCS 140/7(1)(c). The exemption defines “[u]nwarranted invasion of personal privacy” as “the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject’s right to privacy outweighs any legitimate public interest in obtaining the information.” *Id.*

Specifically, the Village seeks to withhold the information in its entirety on the basis that a portion of the information contains the name of the alleged victim, statements made by the victim, and the details of the alleged sexual assault.

Determinations

The Village's request for approval of its decision to withhold the Reports is approved in part and denied in part. The alleged victim has an inherent right to privacy as to their name, any statements given and the descriptions of the alleged assault. Disclosure of the victim's name, the descriptions of the alleged assault and any statements made by the victim could constitute a highly unwarranted invasion of personal privacy. As such, no legitimate public interest exists in the disclosure of the alleged victim's name, statements and the description of the alleged assault. However, the Village has not offered any additional explanation as to how the remaining information contained in Mr. Gawlak's FOIA request amounts to an unwarranted invasion of personal privacy under Section 7(1)(c).

Based on this analysis, the Village may redact the name of the alleged victim, statements of the victim and any narrative that details the alleged assault. The Village should release any remaining information to Mr. Gawlak

If you have any questions, please contact me at (312) 814-5383. This letter shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

B

Matthew Rogina
Assistant Public Access Counselor

cc:

