



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 4, 2010

Ms. Nancy Warren
Freedom of Information Officer
City of Aurora
Law Department
44 E. Downers Place
Aurora, IL 60507-2067

RE: FOIA Pre-approval Request – No. 5984

Dear Ms. Warren:

We have received and reviewed the written notice from the City of Aurora of its intent to deny access to and redact various information from records requested by [REDACTED] as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/9.5(b). Specifically, the items the City wishes to redact from the responsive records include: home addresses, phone numbers, driver's license numbers, social security numbers, license plate numbers, dates of birth, ages, sex, race, vehicle identification numbers and vehicle serial numbers. The City has also indicated it intends to redact some of the names of various people identified in the responsive records, including, among others, the names of all victims, arrestees and witnesses identified as juveniles.

As a result of this review, we have determined that it is **appropriate** to withhold **dates of birth and age** in the reports 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. We have determined that it is **not appropriate** to withhold under Section 7(1)(c) vehicle identification numbers and vehicle serial numbers, as that information identifies vehicles, rather than individuals and, therefore, is not highly personal.

We have further determined that redaction of home addresses, personal phone numbers, driver's license numbers, social security numbers and license plate numbers are not appropriate for redaction under Section 7(1)(c). We note, however, that these items may be exempt from disclosure and subject to redaction under Section 7(1)(b). Withholding of information under that exemption does not require prior approval by the Public Access Counselor.

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We have also determined that redaction of **names** of individuals involved in or identified in police reports generally are not appropriate for redaction under **Section 7(1)(c)**. Some of this information may be exempt from disclosure under other exemptions, particularly, Section 7(1)(d)(iv), which allows withholding of information revealing the identity of persons who file complaints with or provide information to law enforcement. Additionally, certain information related to the arrest of juveniles is prohibited from release by the Juvenile Courts Act and, therefore, exempt from disclosure under Section 7(1)(a).

Finally, we have determined that further inquiry is required to determine whether it is proper for the City to redact from the requested records the sex and race of persons identified in those records. Additionally, to the extent that the City wishes to assert that the names of individuals identified in the records are exempt under Section 7(1)(c), we ask that the City provide an explanation of the basis for that assertion, detailing its reasons for asserting that any names not covered by another exemption should remain redacted as an unwarranted invasion of personal privacy. You must provide your response to us within seven (7) working days after your receipt of this request. 5 ILCS 140/9.5(c). As we review this matter, we will advise you if we need additional information. To the extent the City relies upon exemptions other than Section 7(1)(c) to redact information from the requested records, the records may be released with appropriate redactions and accompanied by an explanation of the asserted exemptions, directly to the requester without prior authorization from the Public Access Counselor.

If you have any questions or would like to discuss this matter, please feel free to contact me at 217-785-7438.

Sincerely,

Cara Smith
Public Access Counselor


Amanda M. Lundeen
Assistant Public Access Counselor

cc:

