

Dada-Olley, Olufunmilola

From: Dada-Olley, Olufunmilola
Sent: Thursday, March 11, 2010 12:49 PM
To: Costello, John
Cc: [REDACTED]
Subject: Response to Pre-Authorization Request (PAC 5998)
Attachments: image001.jpg

Importance: High



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

Via E-mail

March 11, 2010

John Costello
500 S. Second Street
Springfield, Illinois 62706
icostello@atg.state.il.us

[REDACTED]

RE: Pre-Approval Request – 2010 PAC 5998

Dear Mr. Costello and [REDACTED]

This letter is to advise you that the Office of the Public Access Counselor has received and reviewed the Illinois Attorney General (IAG) notice of intent to deny, in part, [REDACTED] request for “all files related to a child abuse investigation involving [REDACTED] and [REDACTED] based on subsection 7(1)(c) and 7(1)(f) of the Freedom of Information Act, 5 ILCS 140/9.5(b) (FOIA).

I have carefully reviewed the documents requested by [REDACTED] and have determined that the vast majority of the documents requested are **wholly exempt** from disclosure under subsection 7(1)(c) and 7(1)(f) of FOIA.

Documents pertaining to the details of the alleged sexual assault of a toddler triggers substantial personal privacy concerns that constitute an unwarranted invasion of personal privacy. Serious personal privacy concerns not only correlate to the alleged victim in this instance, but those accused, since formal charges were never brought. The release of such detailed documentation would be highly objectionable to a reasonable person. In this matter, the personal privacy concerns of those involved outweigh the public interest in viewing much of this material. Therefore, selected documents are wholly exempt under subsection 7(1)(c) and the IAG's decision to use this exemption is **appropriate** and pre-authorization is **granted**.

The application of the 7(1)(f) exemption to selected documents was also **proper**. From investigative reports to interview notes concerning this matter, such documentation clearly fits within the parameters of the preliminary draft exemption pursuant to subsection 7(1)(f). 5 ILCS 140/7(1)(f). These notes often expressed opinions and were gathered in order to formulate an action that was eventually taken in this matter. Therefore, the IAG's decision to use this exemption and classify the relevant documents as wholly exempt was also **proper**. Pre-authorization is **granted**.

However, there are two documents that, once appropriately redacted in accordance with subsection 7(1)(c), shall be furnished to [REDACTED]. The first document is a letter written on April 16, 1992 to Mr. Nicholas Trutenko. This document shall be furnished to [REDACTED] with appropriate redactions of the victim's name and the names of the accused pursuant to 5 ILCS 140/7(1)(c). The second document is a subpoena related to this investigation. As with the letter, the subpoena should also be appropriately redacted as to the names of the accused, in accordance with 5 ILCS 140/7(1)(c). This letter shall serve to close this file.

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

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