



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 4, 2010

Ms. Ann Kavanaugh
Records Supervisor
Schaumburg Police Department
1000 West Schaumburg Road
Schaumburg, Illinois 60194-4198

RE: Pre-Authorization Request – 2010 PAC 6002

Dear Ms. Kavanaugh:

We have received and reviewed the written notice from the Schaumburg Police Department (Department) of its intent to deny disclosure of Police Report No. 10-1840 (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 Department received a FOIA request for the Report on February 5, 2010, from [REDACTED]

In support of its assertion that disclosing the Report would constitute a “clearly unwarranted invasion of personal privacy”, the Department stated: “Since no arrest was made in relation to this incident disclosure of this information would be a clearly unwarranted invasion of personal privacy [sic] in that the information disseminated is of a derogatory nature and speaks of the reputation of named individuals.”

The Department’s use of the subsection 7(1)(c) exemption with regard to the Report is approved. Subsection 7(1)(c) of FOIA permits the withholding of “[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information.” “Unwarranted invasion of personal privacy” is defined 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.” 5 ILCS 140/7(c).

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The Report contains information about and a discussion of an individual's medical condition and a dispute among several parties involving power of attorney for that individual, an 80-year-old woman. Disclosure of this information would be highly personal or objectionable to a reasonable person. Moreover, the public has no legitimate interest in obtaining this information because, as the Department asserts, it did not lead to an arrest. Finally, this information does not "bear on the public duties of public employees and officials" as stated in subsection 7(1)(c), as the Report does not involve the public duties of any public employees or officials.

As such, the Department should issue a denial letter directly to [REDACTED]. Should you have questions or concerns, please feel free to contact me directly 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