



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 8, 2011

Ms. Sherry Holmes
FOIA Officer
Macomb Police Department
120 South McArthur Street
Macomb, IL 61455

RE: FOIA Pre-Authorization Request – 2011 PAC 14305

Dear Ms. Holmes:

We have received and reviewed the written notice from the Macomb Police Department of its intention to deny disclosure of certain information under section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010). On May 18, 2011, [REDACTED] submitted a FOIA request to the Department for all police reports from 2010 and 2011 involving a specified individual. The Department has identified eight responsive reports, and is seeking to redact portions of the narrative, a suspect's name, the Department's medical coding information, and other personal information associated with the complainant in several of the reports pursuant to section 7(1)(c) of FOIA.

Section 7(1)(c) of FOIA exempts from inspection and copying "[p]ersonal information contained within police 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." The exemption defines "unwarranted 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." 5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010.

DETERMINATION

The Department's use of the exemption in section 7(1)(c) to redact the report narratives and other personal information associated with the complainant is **approved**. We have reviewed the narratives and agree that releasing the contents would constitute an

Ms. Sherry Holmes
June 8, 2011
Page 2

unwarranted invasion of personal privacy. This type of information is highly personal by its very nature and the complainant's right to privacy outweighs any legitimate public interest in disclosing this information.

Further, the Department's use of the exemption in section 7(1)(c) to redact a suspect's name is **approved**. We have concluded that the Department has met its initial burden of demonstrating that the disclosure of the names of people suspected of crimes for which they were never arrested or charged would be highly objectionable to a reasonable person. Under these circumstances, the suspect's right to privacy outweighs any legitimate public interest in the information that the Department intends to redact from the report.

Lastly, the Department's use of the exemption in section 7(1)(c) to withhold medical coding information is **approved**. We have previously concluded that the disclosure of medical coding would constitute an unwarranted invasion of person privacy. Att'y Gen. PAC Pre-Auth. al12930, issued March 22, 2011. Therefore, the Department has sustained its initial burden of demonstrating that this information is exempt from disclosure under section 7(1)(c).

Accordingly, the Department may issue a partial denial letter and release the requested records in accordance with this letter, if it has not already done so.

If you have any questions, please contact me at (312) 814-2770. This correspondence shall serve to close this matter.

Very truly yours,



JOHN SCHMIDT
Senior Assistant Attorney General
Public Access Bureau

JS:ah

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cc:

