



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 14, 2011

Mr. Robert Burden
FOIA Officer
City of Loves Park
100 Heart Boulevard
Loves Park, Illinois 61111

RE: FOIA Pre-Authorization Request - 2011 PAC 14089

Dear Mr. Burden:

We have received and reviewed the written notice from the City of Loves Park 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). Specifically, on May 3, 2011, [REDACTED] submitted a FOIA request for Police Report LP No.10-012507. The City is seeking pre-authorization to withhold the report in its entirety pursuant to section 7(1)(c) of FOIA.

Section 7(1)(c) of FOIA 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 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.).

DETERMINATION

The City's request to withhold the report in its entirety pursuant to section 7(1)(c) is **denied**. The first full paragraph on page 4 of the report is the conclusion of the prosecutor who reviewed this matter. That decision does not reveal any highly personal information. Moreover, there is a strong public interest in disclosure of the prosecutor's conclusion. Accordingly, we conclude that the City has not sustained its burden of demonstrating that this information is exempt from disclosure under section 7(1)(c).

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The City's request to redact the balance of the report is **approved**. The report pertains to a highly personal matter that did not result in any arrests or charges. Under these circumstances, the privacy rights of the alleged victim as well as the un-arrested suspect outweigh any legitimate public interest in obtaining this information. Accordingly, we conclude that the City has sustained its initial burden of demonstrating that the balance of the report is exempt from disclosure pursuant to section 7(1)(c).

If you have any questions, please contact me at (312) 814-6756. This correspondence shall serve to close this matter.

Very truly yours,

STEVE SILVERMAN BY EK

STEVE SILVERMAN
Assistant Attorney General
Public Access Bureau

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cc:

