



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

June 9, 2011

Ms. Joanne Wessels  
FOIA Officer  
Batavia Police Department  
100 North Island Avenue  
Batavia, Illinois 60510

RE: FOIA Pre-Authorization Request - 2011 PAC 14408

Dear Ms. Wessels:

We have received and reviewed the written notice from the Batavia 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 report number 11-2896. The Department seeks pre-authorization to redact certain information in that report.

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."

**DETERMINATION**

The Department's use of the exemption in section 7(1)(c) to redact the fourth sentence of the fourth paragraph on page two of the Police Report Summary is **denied**. The information in this sentence is not highly personal, and a reasonable person would not object to its disclosure. Therefore, we conclude that the Department has not met its initial burden of demonstrating that this sentence is exempt under section 7(1)(c).

Ms. Joanne Wessels  
June 9, 2011  
Page 2

The Department's request to withhold pages six and seven of this report in their entirety is **denied**. These pages contain information that relates only to the requester and information that is not highly personal. Specifically, page six of the report contains a notation of injuries to the requester. Page seven contains the reporting officer's description of the requester, a notation of whether the requester had previously been arrested or convicted, and the names of the reporting officer and the assisting officer. This specific information is not highly personal to anyone other than the requester, and disclosure of this information to the requester would not be objectionable to a reasonable person.

The Department's use of the exemption in section 7(1)(c) with regard to the other information it proposes to withhold is **approved**. Based on our review of the Department's proposed redactions, we agree that this information pertains entirely to a highly personal matter and that its disclosure would be objectionable to a reasonable person. Under these circumstances, the victim's right to privacy outweighs any legitimate public interest in this information. Therefore, we conclude that the Department has met its initial burden of demonstrating that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

The Department may issue a partial denial letter and release the report with the appropriate information redacted. If you have any questions, please contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Very truly yours,



SARAH KAPLAN  
Assistant Attorney General  
Public Access Bureau

14408 pre-auth al dl 71c vic priv pd

SK:jh

cc:

