



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 15, 2011

Ms. Joanne Wessels
Batavia Police Department
100 N. Island Ave.
Batavia, Illinois 60510

RE: FOIA Pre-Authorization Request - 2011 PAC 14661

Dear Ms. Wessels:

We have received and reviewed the written notice from the Batavia Police Department of its intention to deny certain information as exempt from disclosure 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 June 1, 2011, [REDACTED] submitted a FOIA request to the Department for police report No. 11-7269. The Department is seeking to redact from the requested documents the names of possible suspects who were not arrested or charged in connection with the incident.

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.), 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 suspects' names is **approved**. We have concluded that the Department has met its initial burden to demonstrate 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 suspects' right to privacy outweighs any legitimate public interest in the information that the Department intends to redact from the report.

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If you have any questions, please contact Tammy Friedewald at (217) 558-1926.
This correspondence shall serve to close this matter.

Very truly yours,

Amanda Lundeen

AMANDA M. LUNDEEN
Assistant Attorney General
Public Access Bureau

AL: tf

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cc:

