



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 17, 2011

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

RE: FOIA Pre-Authorization Request - 2011 PAC 14610

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). On May 24, 2011, [REDACTED] submitted a FOIA request to the City for police report number 11-008219. The City seeks pre-authorization to redact from that report the name and identifying details of a suspect who was not arrested or charged in connection with this incident, as well as the name and identifying details of the suspect's family member.

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 City's use of the exemption in section 7(1)(c) to redact the names and identifying details is **approved**. We have concluded that the City has met its initial burden of demonstrating that the disclosure of the name of a person suspected of a crime for which that person was never arrested or charged would be highly objectionable to a reasonable person. We also agree that disclosure of the family member's identity in connection with this incident would

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be objectionable to a reasonable person. Under these circumstances, these individuals' right to privacy outweighs any legitimate public interest in obtaining their identities.

The City may issue a partial denial letter and release the report with the appropriate information redacted, if it has not already done so. 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 by: AA

SARAH KAPLAN
Assistant Attorney General
Public Access Bureau

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cc:

