



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 16, 2011

Ms. Julie Nistler
Police Records Supervisor/ FOIA Officer
Park Ridge Police Department
200 S. Vine Avenue
Park Ridge, Illinois 60068

RE: FOIA Pre-Authorization Request - 2011 PAC 14623

Dear Ms. Nistler:

We have received and reviewed the written notice from the City of Park Ridge Police Department (Department) of its intention to deny disclosure of certain information pursuant to 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 22, 2011, [REDACTED] submitted a FOIA request for all police reports involving herself and her husband for the past ten (10) years. In its written notice, the Department asserts that a certain portion of the responsive dispatch incident reports is exempt from disclosure under section 7(1)(c) of FOIA because the information refers to a potential health condition of a subject.

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 withhold certain information contained in the dispatch incident notes is **denied**. Based on a thorough review of the records and the applicable statute, we conclude that the disclosure of the information in

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question would not constitute a clearly unwarranted invasion of personal privacy as defined under section 7(1)(c), because the information does not contain any specific reference to a medical condition or treatment of an individual. As a result, the Department has not met its burden of demonstrating, with clear and convincing evidence, a basis for withholding this information.

The Department also indicates that it intends to redact additional information from the records pursuant to sections 7(1)(a) and 7(1)(d)(iv) (5 ILCS 140/7(1)(a), (d)(iv) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010) of FOIA. Because advance approval by the Public Access Counselor is not required for the assertion of exemptions other than sections 7(1)(c) and 7(1)(f) (5 ILCS 140/7(1)(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010), we make no determination at this time regarding the applicability of any other exemptions.

If you have any questions, please contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Very truly yours,



TOLA SOBITAN
Assistant Attorney General
Public Access Bureau

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cc:

