



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

June 18, 2010

Ms. Ann Kavanaugh
Records Supervisor
Schaumburg Police Department
1000 West Schaumburg Road
Schaumburg, Illinois 60194

RE: Pre-authorization Request- 2010 PAC 6371

Dear Ms. Kavanaugh:

We have completed our review of the above-captioned pre-authorization request from the Schaumburg Police Department (Department) pursuant to Section 9.5(b) of the Freedom of Information Act (FOIA). 5 ILCS 140/9.5.

On March 19, 2010, [REDACTED] submitted a FOIA request for police record Case No. [REDACTED]. In its written notice, the Department asserts that the names of two individuals contained in the police report are exempt from disclosure under Section 7(1)(c) of FOIA. These individuals were stopped by police as suspects but released when the police officers determined that their suspicion was unfounded and they were never arrested.

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 disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). The exemption defines "[u]nwarranted 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." *Id.*

Determinations:

The Department's use of the exemption in Section 7(1)(c) with regard to the individuals named in the police report at issue, is **approved**. We have determined that the disclosure of this information would be highly objectionable to a reasonable person. The subjects' right to privacy outweighs any legitimate public interest in obtaining this information. Therefore, the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c).

Ms. Ann Kavanaugh

June 18, 2010

Page 2

If it has not already done so, the Department may provide redacted records to the requester in accordance with this letter.

Should you have any questions, please feel free to contact me at (312) 814-5206. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


Amalia Rioja
Chief Deputy Public Access Counselor

cc:

