



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 9, 2010

Jaye Valadez-Wilger
FOIA Officer
St. Charles Police Department
Two State Avenue
St. Charles, Illinois 60174

RE: Pre-Authorization Request – 2010 PAC 6384

Dear Ms. Valadez-Wilger:

We have received and reviewed the written notice from the St. Charles Police Department (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).

On March 19, 2010, [REDACTED] submitted a FOIA request to the Department seeking information regarding the payment status of the fines levied in three specific cases in which [REDACTED] was the complainant. In its written notice, the Department asserts that the requested record is exempt from disclosure under Section 7(1)(c) of FOIA because the record contains personal information concerning the status of a citizen's financial standing with the City.

Determination

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." 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." *Id.*

The Department's use of the Section 7(1)(c) exemption with regard to requested record, in its entirety, is **denied**. Article VIII, section 1(c) of the Illinois Constitution provides that the "[r]eports and records of the obligation, receipt and use of public funds of the State, units of local government and school districts are public records available for inspection by the public according to law." Ill.Const. Art. VIII, §1(c). Hence, the public's interest in obtaining information relating to monetary obligation to the City outweighs any privacy right of the individual who owes such obligation. Accordingly, the Department has failed to met its burden

July 9, 2010

Page 2

of demonstrating that the requested record is exempt from disclosure under Section 7(1)(c) of FOIA.

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

Sincerely,

Cara Smith
Public Access Counselor

By:


Tola Adewola
Assistant Public Access Counselor

cc:

