



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 29, 2011

Ms. Shirley Galloway
Macomb Police Department
120 S. McArthur St.
Macomb, Illinois 61455

RE: FOIA Pre-Authorization Request – 2011 PAC 14220

Dear Ms. Galloway:

We have received and reviewed the written notice from the Macomb Police Department 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). The Department seeks pre-authorization to withhold information from three police reports. Specifically, the Department seeks to withhold (1) a suspect's name from police report case number 10-13415; (2) a victim's name and a witness' name from police report case number 10-5483; and (3) and a suspect's name from police report case number 11-5271.

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 withhold the victim, suspect and witness' names is **approved**. We have concluded that the Department has met its initial burden of demonstrating that the disclosure of the names in these three reports would be

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highly objectionable to a reasonable person. Under these circumstances, the right to privacy outweighs any public interest in the information that the Department intends to withhold.

If you have any questions, please contact Andres Acosta at (877) 299-3642. This correspondence shall serve to close this matter.

Very truly yours,

Rebecca Riddick b6:AA

REBECCA RIDDICK
Assistant Attorney General
Public Access Bureau

cc:

