



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 29, 2011

Mr. Todd E. Rent
City of Urbana
400 S. Vine Street
Urbana, IL 61801

RE: FOIA Pre-Authorization Request – 2011 PAC 14688

Dear Mr. Rent:

We have received and reviewed the written notice from the City of Urbana 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 City seeks pre-authorization to withhold references to certain statements in police incident report No. UU0905030.

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 City's use of the exemption in section 7(1)(c) to withhold the statements is denied. The City indicates that it is withholding the name of the individual referenced in the statements under other exemptions that do not require our pre-authorization. With the identity of the individual redacted from the statements, the subject's right to privacy will not be impacted. Therefore, the City has not met its burden to withhold this information under section 7(1)(c).

The City also indicates that it intends to redact additional information from the records pursuant to section 7(1)(b) (5 ILCS 140/7(1)(b) (West 2009 Supp.), as amended by

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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 Andres Acosta at (877) 299-3642. This correspondence shall serve to close this matter.

Very truly yours,

Rebecca Riddick by: AA

REBECCA RIDDICK
Assistant Attorney General
Public Access Bureau

cc:

