



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

June 23, 2011

*Via Electronic Mail*

Ms. Jan Weech  
Office of the McHenry County Sheriff  
foiasheriff@co.mchenry.il.us

RE: FOIA Pre-Authorization Request - 2011 PAC 14911

Dear Ms. Weech:

We have received and reviewed the written notice from the Office of the McHenry County Sheriff 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).

Mr. Pete Gonigam submitted a FOIA request to the Sheriff's office on December 27, 2010, seeking a copy of the current duty status of Deputy [REDACTED]. The Sheriff's office initially denied the request pursuant to section 7(1)(d)(ii) of FOIA (5 ILCS 140/7(1)(d)(ii) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010), which exempts from inspection and copying information that would "interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request." Mr. Gonigam submitted a Request for Review of the Sheriff's office denial on January 24, 2011. This office subsequently determined that the Sheriff's office had failed to meet its burden to withhold information pursuant to section 7(1)(d)(ii). *See* 2010 PAC 12042 (Ill. Att'y Gen. PAC Req. Rev. Ltr. 12042, issued June 6, 2011). In its June 17, 2011, written notice to this office, the Sheriff asserts that a portion of a December 23, 2010, memorandum details the medical status of [REDACTED] and is exempt pursuant to section 7(1)(c).

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

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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 Sheriff's office use of the exemption in section 7(1)(c) to redact the specified portion of the memorandum is **denied**. We have reviewed the unredacted copy of the memorandum and we have determined that there is nothing in the memorandum that reveals information about the medical condition of [REDACTED] or any other information that, if disclosed, would be highly personal or objectionable to a reasonable person.

Therefore, the Sheriff's office has not met its burden of demonstrating that disclosure of the redacted portion of the December 23, 2010, memorandum would constitute an unwarranted invasion of personal privacy. Accordingly, the Sheriff's office must disclose an unredacted copy of the memorandum to Mr. Gonigam.

If you have any questions, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Very truly yours,

[REDACTED]  
MATTHEW C. ROGINA  
Assistant Attorney General  
Public Access Bureau

14911 pre-auth al dl 71c county

*Via Electronic Mail*  
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