



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 8, 2011

Ms. Debbie Dayboll
Records Supervisor
Highland Park Police Department
1677 Old Deerfield Rd.
Highland Park, IL 60035

RE: FOIA Pre-Authorization Request – 2011 PAC 15194

Dear Ms. Dayboll:

We have received and reviewed the written notice from the City of Highland Park of its intention to withhold information under section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2010).

On June 16, 2011, Ms. Louise S. Pearson, attorney for [REDACTED] submitted a FOIA request to the City for "[a]ll police and other records related to [REDACTED] residing at [REDACTED] in Highland Park, including all arrest records, station adjustments, [and] reports."

Initially, the City has determined to withhold several of the responsive records under section 7(1)(a) and the Juvenile Court Act of 1987. 5 ILCS 140/7(1)(a) (West 2010) and 705 ILCS 405/5-905 (West 2010). The assertion of section 7(1)(a) does not require pre-approval from our office and, therefore, we will not address the applicability of that exemption at this juncture.

The City seeks to deny the release of the remainder of the requested documents pursuant to section 7(1)(c) of FOIA. The City asserts that the responsive reports concern incidents not involving the requester, [REDACTED] and as a result of which no arrests were made.

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, unless the disclosure is consented to in writing by the

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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 2010).

We have carefully reviewed all of the documents that the City provided to us in this matter. The City's assertion of section 7(1)(c) to withhold reports concerning incidents not involving the requester, [REDACTED], and which resulted in no arrests or criminal charges, is **approved**. The information contained in these reports is of a highly personal nature and the subjects' right to privacy outweighs any legitimate public interest in disclosing this information. Therefore, the City has met its initial burden to withhold this information under section 7(1)(c).

One document, Highland Park Police Department Report 1-07-026213, however, appears to involve the arrest of an adult. This report is subject to disclosure. Pursuant to section 7(1)(c), the City may redact from the report narrative details involving medical or injury information, information that identifies the victim, and information identifying the witnesses, if any.

The City may also redact dates of birth contained in the report. We have consistently concluded that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under section 7(1)(c). This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

Additionally, the City must disclose report 0100358932, a traffic accident report. Such reports are not exempt from release under section 7(1)(c), although details involving medical or injury information may, in appropriate cases, be redacted.

The City is therefore directed to release the two reports to Ms. Pearson in accordance with this letter, if it has not already done so.

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

Very truly yours,

[REDACTED]
REBECCA RIDDICK
Assistant Attorney General
Public Access Bureau

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cc: Ms. Louise S. Pearson, Esq.
1520 Oakwood Ave.
Highland Park, IL 60035