



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 25, 2011

Ms. Nicole Both
FOIA Officer
Metra
547 W. Jackson Blvd.
Chicago, IL 60661

RE: FOIA Pre-Authorization Request - 2011 PAC 15483

Dear Ms. Both:

We have received and reviewed the written notice from Metra 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 2010)). Metra is seeking to redact the victim's name and information from the requested document.

On June 28, 2011, [REDACTED] submitted a FOIA request for Metra Police Department Report Number 11-030544. In its written notice, Metra asserts that the victim's name and information are exempt from disclosure under section 7(1)(c) of FOIA.

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 2010).

DETERMINATION

Metra's of the exemption in section 7(1)(c) to withhold the victim's name and information is **approved**. We have concluded that Metra has met its initial burden of demonstrating that the disclosure of the victim's name and information contained in these documents would be highly objectionable to a reasonable person. Under these circumstances,

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the victim's right to privacy outweighs any public interest in the information that Metra intends to withhold.

Accordingly, Metra may issue a partial denial letter and release the report with the victim's name and information redacted, if it has not already done so.

Metra also indicates that it intends to redact additional information from the report pursuant to section 7(1)(b) (5 ILCS 140/7(1)(b) (West 2010)). 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 2010)), we make no determination at this time regarding the applicability of any other exemptions.

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

Very truly yours,


DUSHYANTH REDDIVARI
Assistant Attorney General
Public Access Bureau

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Via electronic mail
cc: 