



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 25, 2011

Ms. Megan E. Morgan
Assistant Corporate Counsel
City of Springfield
800 E. Monroe Street
Room 313 Municipal Center East
Springfield, IL 62701-1689

RE: FOIA Pre-Authorization Request – 2011 PAC 15496

Dear Ms. Morgan:

We have received and reviewed the written notice from the City of Springfield (City) of its intention to deny disclosure of certain information as exempt pursuant to section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2010). The City seeks pre-authorization to withhold the names, addresses, gender, race, age, dates of birth and mental states of the victims in Reports S11-60705, S11-60664 and S11-60529.

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

The City's assertion of the exemption in section 7(1)(c) to withhold the names, dates of birth and the mental states of the victims in Reports S11-60705, S11-60664 and S11-60529 is **approved**. We have concluded that the City has met its initial burden of demonstrating that the disclosure of this information contained in these documents would be highly objectionable to a reasonable person. Under these circumstances, the right to privacy outweighs any public interest in the information that the City intends to withhold.

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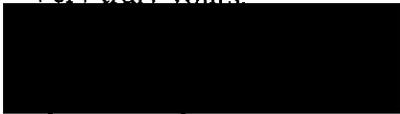
However, the City's assertion of the exemption in section 7(1)(c) to withhold the gender, race, and age of the victims in Reports S11-60705, S11-60664 and S11-60529 is **denied**. We have determined that the release of this type of information is not an unwarranted invasion of personal privacy under section 7(1)(c) of FOIA. Therefore, the City has not met its initial burden of demonstrating that this information is exempt under section 7(1)(c).

In addition, we need not determine whether personal addresses are generally proper for redaction under Section 7(1)(c). Rather, such information is exempt from disclosure under Section 7(1)(b), which allows withholding private information as defined in section 7(1)(b). 5 ILCS 140/7(1)(b) (West 2010).

The City also indicates that it intends to redact additional information from the records pursuant to section 7(1)(a) and 7(1)(d). 5 ILCS 140/7(1)(a),(d) (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), we make no determination at this time regarding the applicability of any other exemptions.

If you have any questions, please contact Tammy Friedewald at (217) 558-1926. This correspondence shall serve to close this matter.

Very truly yours,


MATTHEW M. SEBEK
Assistant Attorney General
Public Access Bureau

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cc:


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