OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 30, 2011

Trooper Kerry Sutton
Illinois State Police
801 S. Seventh St.
Suite 1000-S
P.O. Box 19461
Springfield, Illinois 62794

RE: FOIA Preauthorization Request– 2011 PAC 15007

Dear Trooper Sutton:

We have received and reviewed the written notice from the Illinois State Police of its intention to deny disclosure of certain information requested by [redacted] who sought DNA reports from a certain case. The State Police seeks preauthorization to redact the victim's name from the DNA reports under section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010).

Section 7(1)(c) 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."

DETERMINATION

The Department's use of the exemption in section 7(1)(c) to withhold the name of the victim from the DNA reports is **approved**. We conclude that the State Police has met its initial burden of demonstrating that disclosure of the victim's name would be highly objectionable to a reasonable person, and the victim's right to privacy outweighs any legitimate public interest in obtaining the information. Accordingly, the State Police may redact the victim's name from the DNA reports.

If you have any questions, please contact me at 312-814-2770. This correspondence shall serve to close this matter.

Very truly yours,

John Schmidt by AC

JOHN SCHMIDT
Senior Assistant Attorney General
Public Access Bureau

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cc: [redacted]