



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 6, 2011

Ms. Julie Nistler
FOIA Officer
City of Park Ridge Police Department
200 South Vine Avenue
Park Ridge, Illinois 60068

RE: FOIA Pre-Authorization Request - 2011 PAC 15132

Dear Ms. Nistler:

We have received and reviewed the written notice from the Park Ridge Police Department 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)).

On June 17, 2011, the Department received a FOIA request from Mr. Joe Mahr of the *Chicago Tribune* seeking records relating to complaints involving a specific, named individual. The Department seeks to deny this request pursuant to section 7(1)(c), which 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." The exemption further provides that the "disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy."

DETERMINATION

The Department's use of the exemption in section 7(1)(c) to deny this request is **approved**. In this instance, the individual identified in the requested reports was named as a suspect but was never arrested or charged with any crime. Disclosure of the unsubstantiated accusations contained in the reports would be highly objectionable to a reasonable person, and the suspect's right to privacy outweighs any public interest in this information. Further, these reports do not pertain to the public duties of any public employee or official. In these

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circumstances, the Department cannot protect the subject's privacy by simply redacting his name and other identifying information from the reports. Therefore, we find that the Department's June 22, 2011, decision to withhold the requested reports in their entirety was permissible under FOIA.

If you have any questions, please contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Very truly yours,



SARAH KAPLAN
Assistant Attorney General
Public Access Bureau

15132 pre-auth al 7(1)(c) sus priv pd

cc: Mr. Joe Mahr
Chicago Tribune
1717 North Penny Lane
Schaumburg, Illinois 60173