



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 7, 2011

Ms. Jaye Valadez-Wilger
Freedom of Information Officer
St. Charles Police Department
Two State Ave.
St. Charles, IL 60174

RE: FOIA Pre-Authorization Request - 2011 PAC 15222

Dear Ms. Valadez-Wilger:

We have received and reviewed the written notice from the St. Charles 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). The Department is seeking to redact the names of non-arrested suspects from the requested documents.

On June 23, 2011, [REDACTED] submitted a FOIA request for report 11-11603. In its written notice, the Department seeks to use the exemption in section 7(1)(c) to redact the names of two individuals from the report. These individuals were initially suspects, but were never charged in connection with the incident.

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 Department's use of the section 7(1)(c) exemption with regard to the non-arrested suspects' names is **approved**. The Department argues that because the suspects were never arrested in this matter, the release of their names would be highly personal and

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objectionable to a reasonable person and that the subjects' right to privacy outweighs any legitimate public interest in obtaining the information. After reviewing the documents in question, we have determined that the suspects' names may be withheld under section 7(1)(c). Being named a suspect in connection with a crime is highly personal and releasing that information without an arrest or charges being brought would be objectionable to a reasonable person. At this point, the suspects' right to privacy in this regard outweighs any legitimate public interest in obtaining the information.

Accordingly, the Department may issue a partial denial letter and release the reports with non-arrested suspects' names redacted, 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,



REBECCA RIDDICK
Assistant Attorney General
Public Access Bureau

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cc:

