



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 8, 2011

Ms. Joanne Wessels
FOIA Officer
Batavia Police Department
100 North Island Avenue
Batavia, Illinois 60510

RE: FOIA Pre-Authorization Request - 2011 PAC 15190

Dear Ms. Wessels:

We have received the written notice from the Batavia 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 10, 2011, [REDACTED] submitted a FOIA request for all Department records from January and February 2011, regarding two named individuals. In its written notice, the Department asserts that certain witness statements and police observations involving the requester 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."

DETERMINATION

The Department's assertion of the section 7(1)(c) exemption with regard to the witness statements and police observations is **denied**. The Department has failed to meet its initial burden of demonstrating that disclosure to the FOIA requester of information involving the requester would constitute a clearly unwarranted invasion of the personal privacy of the

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requester. However, this determination does not preclude the Department from asserting an applicable exemption in FOIA to deny disclosure of this information.

If you have any questions, please contact me at (312) 814-5206. This correspondence shall serve to close this matter.

Very truly yours,



DUSHYANTH REDDIVARI
Assistant Attorney General
Public Access Bureau

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cc:

