



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 10, 2011

Ms. Joanne Wessels
City of Batavia
100 North Island Avenue
Batavia, IL 60510

RE: FOIA Pre-Authorization Request - 2011 PAC 15538

Dear Ms. Wessels:

We have received written notice from the City of Batavia of its intention to deny disclosure of certain information under section 7(1)(c) and section 7(1)(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c), (f) (West 2010)). Specifically, on July 3, 2011, [REDACTED] submitted a FOIA request to the City for police report No. 11-11031. The City is seeking to redact paragraph 3 of the report summary.

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."


Section 7(1)(f) of FOIA exempts from inspection and copying "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body."

Ms. Joanne Wessels
August 10, 2011
Page 2

DETERMINATION

The City's assertion of section 7(1)(c) to redact paragraph 3 of the report summary is **denied**. The requester is the subject of the police report. The paragraph in question contains a factual observation by the reporting officer and a summary of statements the officer made to the requester. Any privacy interest that may have arisen for the other individuals discussed in paragraph 3 is outweighed by the fact that the requester is the one who provided this information to the officer. There is no need to protect the privacy of his own statements when releasing the report to him. Therefore, we conclude that the City has not met its initial burden of demonstrating that the disclosure of paragraph 3 of the report summary would be an unwarranted invasion of personal privacy.

Similarly, the City's assertion of section 7(1)(f) to redact paragraph 3 of the report summary is **denied**. The information contained in paragraph 3 is not preliminary or pre-decisional in nature. Therefore, the City has not met its initial burden of demonstrating that this information would be exempt from disclosure under section 7(1)(f).

Accordingly, the City must release the entire report directly to  if it has not already done so.

If you have any questions, please contact Andres Acosta at (877) 299-3642. This correspondence shall serve to close this matter.

Very truly yours,

Rebecca Riddick by: AA

REBECCA RIDDICK
Assistant Attorney General
Public Access Bureau

RR:aa

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