



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 9, 2011

Ms. Sherry Holmes
FOIA Officer
Macomb Police Department
120 South McArthur Street
Macomb, Illinois 61455-2141

RE: FOIA Pre-Authorization Request - 2011 PAC 15880

Dear Ms. Holmes:

We have received and reviewed the written notice from the Macomb Police Department of its intention to deny certain information as exempt from disclosure under section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2010)). Specifically, on July 27, 2011, [REDACTED] submitted a FOIA request to the Department for a copy of Incident Report No. 11-52183. In its written notice, the Department asserts that the names of the suspect and a third party who provided information to police 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." 5 ILCS 140/7(1)(c) (West 2010).

DETERMINATION

The Department's use of the exemption in section 7(1)(c) to redact the name of a suspect who has not been arrested and the name of a third party who provided information to police is **approved**. We agree that disclosure of the identities of these individuals would be highly objectionable to a reasonable person. In this instance, the privacy rights of the suspect and the third party outweigh any legitimate public interest in obtaining this information.

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Accordingly, the Department may issue a partial denial letter and release the report with the appropriate information redacted, if it has not already done so.

If you have any questions, please contact me at (312) 814- 6756. This correspondence shall serve to close this matter.

Very truly yours,

STEVE SILVERMAN

STEVE SILVERMAN
Assistant Attorney General
Public Access Bureau

by EK

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cc:

