

Officer Rory O'Brien
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799 N.E.2d 859, 864 (1st Dist. 2003). The purpose of this exemption is to encourage honest and open discussions among government employees before decisions are reached. *Harwood*, 344 Ill. App. 3d at 248.

The purpose of the deliberative process exemption "severely limits its scope." *Hearst Corp. v. Hoppe*, 90 Wash.2d 123, 133, 580 P.2d 246, 252 (1978). The exemption applies only if disclosure will "inhibit the flow of recommendations, observations, and opinions" from government employees. *Hoppe*, 90 Wash.2d at 133, 580 P.2d at 252. Accordingly, factual data are not exempt because disclosure of factual data does not reveal or expose the deliberative process. *Hoppe*, 90 Wash.2d at 133, 580 P.2d at 252.

Most of the written reports that the Department seeks to withhold are reports by police officers describing statements made by witnesses to the incident that caused [REDACTED] death. The New York Court of Appeals has held that portions of police reports setting forth witness statements contain factual data that is not within that State's deliberative process exemption. *Matter of Gould v. New York City Police Dep't*, 89 N.Y.2d 267, 277, 675 N.E.2d 808, 813, 653 N.Y.S.2d 54, 59 (1996). The court in that case stated that "a witness statement constitutes factual data insofar as it embodies a factual account of the witness's observations." *Matter of Gould*, 89 N.Y.2d at 277, 675 N.E.2d at 813, 653 N.Y.S.2d at 59. We agree with this conclusion because identifying the substance of what a witness said is a factual matter that does not implicate the deliberative process.

Accordingly, the Department's request to assert the section 7(1)(f) exemption to withhold the written reports in their entirety is denied. Statements in which police officers express opinions may, however, be redacted from the reports. As indicated above, the two pages containing those statements are provided to the Department only, and the statements that may be redacted under section 7(1)(f) are highlighted in yellow.¹

We next consider whether the requested May 20, 2004, lineup photographs are exempt from disclosure under section 7(1)(c), which exempts from disclosure "[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)(c) also states, "The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy."

¹This is consistent with our determination in Ill. Att'y Gen. Pre-Auth ald113094, issued July 18, 2011, where the Department sought preauthorization to withhold the same written reports from a *Chicago Tribune* reporter pursuant to section 7(1)(f).