



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 16, 2011

Ms. Sherry Holmes
Macomb Police Department
120 S. McArthur St.
Macomb, IL 61455

RE: FOIA Pre-Authorization Request – 2011 PAC 15996

Dear Ms. Holmes:

We have received and reviewed the written notice from the Macomb Police Department of its intention to withhold certain information under section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2010).

On August 3, 2011, [REDACTED] submitted a FOIA request to the Department for a July 8, 2011, Criminal Damage to Vehicle report.

The Department seeks to withhold the suspect's name and the names of third parties contained within the report under section 7(1)(c). The Department argues that it would be an unwarranted invasion of personal privacy to release the names of individuals contained within a police report who have not been arrested or charged in connection with the incident.

DETERMINATION

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).

After review of the materials provided, the Department's use of section 7(1)(c) to withhold the names of individuals who were not arrested or charged and the names of third-

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parties contained in the reports is **approved**. We have reviewed the reports and agree that releasing this information would constitute an unwarranted invasion of personal privacy. This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. Therefore, the Department has met its initial burden to withhold this information under section 7(1)(c).

The Department is therefore directed to release the redacted reports to Ms. Tex in accordance with this letter, 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:

