



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 16, 2011

Mr. Jaye Valadez-Wilger
FOIA Officer
St. Charles Police Department
2 State Avenue
St. Charles, Illinois 60174

RE: FOIA Pre-Authorization Request – 2011 PAC 16013

Dear Mr. Valadez-Wilger:

We have received and reviewed the written notice from the St. Charles 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 July 15, 2011, Mr. Mark Rendall of ADT Security requested a "list of or reports with names and addresses of St. Charles businesses and residences that have been burglarized or robbed from July 1, 2010 until [the] present[.]" The Department released a list of business names and addresses in response to this request, as well as a list of the residential blocks in which burglaries occurred. The Department seeks pre-authorization to withhold the names of residential burglary victims and their exact addresses under section 7(1)(c).

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 use of the exemption in section 7(1)(c) to withhold the names of residential burglary victims is **approved**. We have concluded that the Department has met its initial burden of demonstrating that being the victim of a burglary is highly personal information,

Mr. Jaye Valadez-Wilger
August 16, 2011
Page 2

and the disclosure of victims' names would be objectionable to a reasonable person. Under these circumstances, the right to privacy outweighs any public interest in the names that the Department intends to withhold.

The Department also indicates that it intends to withhold residential addresses. Home addresses are exempt under section 7(1)(b) of FOIA (5 ILCS 140/7(1)(b) (West 2010)), which exempts "private information." Because advance approval by the Public Access Counselor is not required for the assertion of exemptions other than sections 7(1)(c) and 7(1)(f) (5 ILCS 140/7(1)(f) (West 2010)), we make no determination at this time regarding the applicability of any other exemption.

If you have any questions, please contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Very truly yours,

A solid black rectangular redaction box covering the signature of Sarah Kaplan.

SARAH KAPLAN
Assistant Attorney General
Public Access Bureau

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cc: Mr. Mark Rendall
ADT Security
660 Foster Avenue
Bartlett, Illinois 60103-7520