



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

August 17, 2011

*Via Electronic Mail*  
Mr. Clifton Mitchell  
Assistant City Attorney  
City of Peoria, Illinois  
[CMitchell@ci.peoria.il.us](mailto:CMitchell@ci.peoria.il.us)

RE: FOIA Pre-Authorization Request – 2011 PAC 16111

Dear Mr. Mitchell:

We have received the written notice from the City of Peoria (City) of its intention, pursuant to section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2010)), to deny disclosure of records. On August 11, 2011, Mr. Leon Hendrick of *WEEK* submitted a FOIA request to the City seeking copies of "incidents regarding Councilman Dan Irving start date of 2004-Present[.]" The City sought pre-authorization to deny Mr. Hendrick's request in its entirety pursuant to section 7(1)(c) of FOIA. In addition to its written notice, the City furnished this office with unredacted copies of four incident reports that are responsive to Mr. Hendrick's request.

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 City's assertion of the section 7(1)(c) exemption to deny Mr. Hendrick's FOIA request is **approved**. As the City has noted, none of the reports resulted in the arrest or prosecution of any persons. In appropriate circumstances, an incident report may be withheld if the report's narrative contains highly personal information about an individual (in the case of a

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domestic disturbance, for example), no arrests were made, and the matter is closed at the time of the request. *See* 2010 PAC 9687 (Ill. Att'y Gen. PAC Pre-Auth. al9687, issued October 18, 2010, at 2).

Based upon our review of the records in question, we conclude that the City has satisfied its initial burden of demonstrating that the incident reports are exempt from disclosure under section 7(1)(c). Should you have any questions, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Very truly yours,



MATTHEW C. ROGINA  
Assistant Attorney General  
Public Access Bureau

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*Via Electronic Mail*  
cc: Mr. Leon Hendricks  
*WEEK*, Assignment Manager  
lhendricks@week.com