



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

July 14, 2010

Trooper Kerry Sutton
Illinois State Police
801 S. Seventh St., Suite 1000-S
PO Box 19461
Springfield, IL 62794

RE: Pre-Authorization Request – 2010 PAC 8372

Dear Trooper Sutton:

We have received and reviewed the written notice from the Illinois State Police (ISP) of its intention to deny certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended (FOIA).

██████████ submitted a FOIA request on July 1, 2010 seeking the police report and lab report pertaining to his May 8, 2010 arrest. In its written notice, ISP asserts that the name of another suspect is 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 disclosure is consented to in writing by the individual subjects of the information.” 5 ILCS 140/7(1)(c). The exemption defines “[u]nwarranted 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.” *Id.*

Determination

The ISP’s proposed use of the exemption found in Section 7(1)(c) of FOIA to deny disclosure of the name of the other suspect is denied. We have reviewed the documents ISP provided to our office, and according to the Chicago Police Department Property Inventory Report, the other suspect was also arrested for the offense. Pursuant to Section 2.15 of FOIA, arrest information, including the individual’s name, is subject to disclosure. 5 ILCS 140/2.15. Accordingly, the disclosure of the other suspect’s name cannot constitute an unwarranted invasion of that person’s personal privacy, for purposes of Section 7(1)(c) of FOIA, since that information presumptively public.

Accordingly, unless it properly asserts an exemption other than Section 7(1)(c) of FOIA, ISP should release the documents to [REDACTED]

If you have any questions, please feel free to contact me at (312) 814-1003. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By [REDACTED]

Jessica O'Leary
Assistant Attorney General

cc:

