



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 3, 2011

Via Electronic Mail
Ms. Katie Cravens, FOIA Officer
Minooka Police Department
[REDACTED]

RE: FOIA Pre-Authorization Request – 2011 PAC 14327

Dear Ms. Cravens:

We have received the written notice from the Minooka Police Department (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)). Specifically, on May 20, 2011, [REDACTED] submitted a FOIA request to the Department for any documents, statements, paperwork, reports, or anything else relating to case no. 2011-001321. The Department seeks to redact certain information responsive to [REDACTED] FOIA request under section 7(1)(c), based on its claim that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

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

To resolve this issue, it is not necessary to determine whether the information that the Department seeks to redact is exempt from disclosure under section 7(1)(c), because it appears that the information may properly be withheld under section 7(1)(d)(iv) of FOIA (5 ILCS 140/7(1)(d)(iv) (West 2010)), which exempts from inspection and copying records in the possession of any law enforcement agency for law enforcement purposes, the disclosure of

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which would "unavoidably disclose the identity of * * * persons who * * * provide information to administrative, investigative, law enforcement, or penal agencies." Public bodies are not required to submit a Notice of Intent to Deny and request for pre-authorization when asserting exemptions other than those provided for in section 7(1)(c) or section 7(1)(f) of FOIA. Accordingly, the Department may assert section 7(1)(d)(iv) to redact the information in question without obtaining advance approval by the Public Access Counselor.

If you have any questions, please contact me at (217) 782-9078. This correspondence shall serve to close this matter.

Very truly yours,


MATTHEW M. SEBEK
Assistant Attorney General
Public Access Bureau

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cc: 