OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 2, 2011

Ms. Joanne Wessels
Freedom of Information Officer
Batavia Police Department
100 North Island Avenue
Batavia, Illinois 60510

RE: FOIA Pre-Authorization Request - 2011 PAC 15681

Dear Ms. Wessels:

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

On July 18, 2011, [redacted] submitted a FOIA request seeking a copy of a police report concerning an incident that occurred on July 17, 2011. In its written notice, the Department asserts that the requested report 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 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."

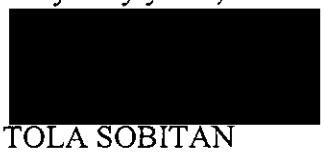
DETERMINATION

The Department's use of the exemption in section 7(1)(c) to withhold the requested report in its entirety is **approved**. Based on a thorough review of the record and the applicable statute, we conclude that the release of the incident report would constitute a clearly

unwarranted invasion of personal privacy. The type of information contained in the report is highly personal by its very nature and its release would be objectionable to a reasonable person. In addition, it does not appear that any arrests were made in connection with the report or that any criminal charges resulted. Accordingly, the Department has met its initial burden of demonstrating that this information is exempt from disclosure under section 7(1)(c) of FOIA.

If you have any questions, please contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Very truly yours,



TOLA SOBITAN
Assistant Attorney General
Public Access Bureau

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cc: