



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 25, 2011

Ms. Sherry Holmes
FOIA Officer
Macomb Police Department
120 South McArthur Street
Macomb, Illinois 61455-2141

RE: FOIA Pre-Authorization Request - 2011 PAC 16323

Dear Ms. Holmes:

We have received the written notice from the Macomb Police Department of its intention to deny certain information as exempt from disclosure under section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2010), as amended by Public Acts 97-333, effective August 12, 2011; 97-385, effective August 15, 2011). On August 16, 2011, the Department received a FOIA request from Mr. Bryan Dant in which he sought a copy of Incident Report No. 11-4794. In its written notice, the Department asserts that the name of a 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 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 assertion of section 7(1)(c) to redact the name of a suspect who has not been arrested or charged is **approved**. We agree that disclosure of the identity of this individual would be highly objectionable to a reasonable person. In this instance, the suspect's right to privacy outweighs any legitimate public interest in obtaining this information.

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Accordingly, the Department may issue a partial denial letter and release the report with the name of the suspect redacted, if it has not already done so.

The Department indicates that it intends to redact additional information from the report pursuant to section 7(1)(b) (5 ILCS 140/7(1)(b), as amended by Public Acts 97-333, effective August 12, 2011; 97-385, effective August 15, 2011). 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), as amended by Public Acts 97-333, effective August 12, 2011; 97-385, effective August 15, 2011), we make no determination at this time regarding the applicability of any other exemptions.

If you have any questions, please contact me at (312) 814- 6756. This correspondence shall serve to close this matter.

Very truly yours,

STEVE SILVERMAN

STEVE SILVERMAN
Assistant Attorney General
Public Access Bureau

by EK

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16323 Pre-auth al 7(1)(c) sus priv pd

cc: Mr. Bryan Dant
LexisNexis Claims Solutions Inc.
P.O. Box 7000
Southeastern, Pennsylvania 19398