



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 1, 2010

Ann Kavanaugh
FOIA Officer
Village of Schaumburg Police Officer
1000 W. Schaumburg Road
Schaumburg, Illinois 60194-4198

RE: Request for Pre-Authorization, 7(1)(c) -No. ⁶⁴⁷⁵~~6469~~

Dear Ms. Kavanaugh:

We have received and reviewed the written notice from the Village of Schaumburg Police Department (Department) of its intention to deny police report #10-5919 as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended. The report was requested by [REDACTED] on March 19, 2010. The Department is seeking to withhold the complete report, indicating that, "[i]n speaking with the husband of the victim, he does not want this report released to anyone."

The Department's use of the exemption in 7(1)(c) with regard to the police report in question is **denied**. Section 7(1)(c) of the Freedom of Information Act allows withholding of "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." That provision further defines an '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." Further, Section 7(1)(c) states that "information bearing on the public duties of public employees and officials shall not be considered an invasion of personal privacy."

Upon examination, it is determined that the record does not contain information which is highly personal or objectionable to reasonable person. The report contains factual information concerning the apparent natural death of an elderly woman in her home. We do not view this information as information which is highly personal in nature or objectionable to a reasonable person. Further, the report does contain information bearing on the public duties of public employees and officials. On balance, it is the determination of the PAC that the report in question is not exempt under Section 7(1)(c), and should be released to the requester.

If you have any questions, please feel free to contact me at 217-557-0548. This correspondence shall serve to close this file.

Sincerely,

Cara Smith
Public Access Counselor

By:



Heather V. Kimmons
Deputy Public Access Counselor

Cc:

