



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

April 23, 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 6716

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, (FOIA), 5 ILCS 140/1 *et seq.*, as amended. ISP is seeking to redact the date of birth and name of the victim as well as other suspect's names from the requested documents.

██████████ submitted a FOIA request on April 8, 2010 for forensic evidence and fingerprint analysis results for Cook County Case No. 97CR0036. In its written notice, ISP asserted that the victim's name and date of birth and the names of other suspects are 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.*

**Determinations**

ISP's use of the exemption in 7(1)(c) with regard to the date of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy. This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

In addition, ISP's use of the exemption in 7(1)(c) with regard to the victim's name is also approved. The victim's name is highly personal information, and the victim's right to privacy with respect to this information outweighs any legitimate public interest in obtaining it. Thus, disclosure of the victim's name would constitute a clearly unwarranted invasion of personal privacy to the victim and is there for exempt from disclosure under Section 7(1)(c).

Finally, ISP's use of the exemption in 7(1)(c) with regard to the names of other suspects found in the documents is denied. When providing written notice of its intent to deny or partially deny a record asserting the exemptions found in sections 7(1)(c) and 7(1)(f), the public body must provide "a detailed summary of the public body's basis for asserting the exemption". 5 ILCS 140/9.5(b)(iii) As this detailed summary was not provided, the ISP's use of the Section 7(1)(c) exemption with respect to this information is denied.

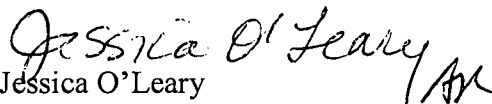
Accordingly, unless ISP appropriately asserts another exemption under Section 7 of FOIA, ISP should issue a partial denial letter directly  and release the records to him with the name and date of birth of the victim redacted.

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:

  
Jessica O'Leary  
Assistant Attorney General

cc:

