OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 19, 2010

Ann Kavanaugh
Records Supervisor
Schaumburg Police Department
100 West Schaumburg Road
Schaumburg, Illinois 60194-4198

RE: Pre-Authorization Request – 2010 PAC 6741

Dear Ms. Kavanaugh:

We have received and reviewed the written notice from the Schaumburg Police Department (Department) of its intent to deny disclosure of certain information in its records as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

On March 23, 2010, the [redacted] submitted a FOIA request for copies of Police Report Number 10-5332, which relates to a traffic accident. In its written notice, the Department asserts that certain information contained in the police report is of a highly personal nature and its disclosure may damage the reputation of certain individuals. The Department also seeks to redact medical information contained in the report.

Determination

Subsection 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.*

The Department's use of the exemption in subsection 7(1)(c) with regard to this information is approved. We have determined that the disclosure of this information would be highly objectionable to a reasonable person. The subjects' right to privacy in these personal details outweighs any legitimate public interest in obtaining this information. Therefore, the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c).

If it has not already done so, the Department may issue a partial denial letter directly to the [redacted] and release the records to it with the appropriate information redacted.

If you have any questions, please feel free to contact me at (312) 814-5206. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

[redacted]

Amalia Rioja
Chief Deputy Public Access Counselor

cc: [redacted]