



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

April 26, 2010

Lisa Madigan
ATTORNEY GENERAL

Kerry Sutton
Freedom of Information Officer
Illinois State Police
801 S. Seventh Street, Suite 1000-S
P.O. Box 19461
Springfield, Illinois 62794

RE: Pre-Authorization Request – 2010 PAC 6876

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 subsection 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended.

██████████ submitted a FOIA request on April 7, 2010, in which he requested case file C88001934 (to include all reports (ballistic) bench notes, bullet work sheets and gun information). In its written notice, the ISP asserted that a victim's name is exempt from disclosure under Section 7(1)(c).

Determination

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.*

The ISP's use of the exemption in Section 7(1)(c) with regard to a victim's name is approved. We have determined that the disclosure of a victim's name would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). 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. As such, the ISP should issue a partial denial letter directly ██████████ and release the records to him 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:

A solid black rectangular redaction box covering the signature of the sender.

Amalia Rioja
Chief Deputy Public Access Counselor

cc:

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