



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

April 30, 2010

Sheila Chernis  
FOIA Officer  
Illinois Department of Commerce and Economic Opportunity  
100 W. Randolph Suite 3-400  
Chicago, Illinois 60601

RE: Pre-Authorization Request – 2010 PAC 6935

Dear Ms. Chernis:

We have received and reviewed the written notice from the Illinois Department of Commerce and Economic Opportunity (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 (FOIA). 5 ILCS 140/1, *et seq.*, as amended.

On April 6, 2010, [REDACTED] submitted a FOIA request for copies of state and federal subpoenas received by the Department between January 1, 2009 and April 6, 2010. In its written notice, the Department asserts that the names of victims of identity theft and dates of birth are exempt under Section 7(1)(c).

**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 names of victims of identity theft and dates of birth 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).

Ms. Sheila Chernis  
April 30, 2010  
Page 2

If it has not already done so, the Department may issue a partial denial letter directly to [REDACTED] and release the records to these requesters 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]