



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

May 11, 2010

Michael S. Recupito
Director of Police Administration
Round Lake Police Department
741 West Town Line Road
Round Lake, Illinois 60073

RE: Pre-Authorization Request – 2010 PAC 7012

Dear Mr. Recupito:

We have received and reviewed the written notice from the Round Lake Police Department (Department) of its intention to deny certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended. The Department is seeking to redact names, addresses, telephone numbers, a vehicle license plate and description, physical descriptions, dates of birth and photographs from the requested documents.

██████████ submitted a FOIA request on April 21, 2010 for Incident Report #10-0530. In its written notice, the Department asserted that the names, addresses, telephone numbers, a vehicle license plate and description, physical descriptions, dates of birth and photographs of “persons who have not been arrested or charged in this case but have been named as 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

First, we have determined that the addresses, telephone numbers, and license plate number of the suspects, which the Department intends to redact, fall within the Section 7(1)(b) exemption for private information. “‘Private information’ means unique identifiers, including a person’s social

security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." 5 ILCS 140/7(1)(b)

Use of this exemption to partially deny disclosure of public records does not require preapproval from our office.

Second, the Department's use of the Section 7(1)(c) exemption with regard to dates 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.

Third, the Department's use of the Section 7(1)(c) exemption with regard to the names, vehicle description, physical descriptions, and photographs of the subjects is approved. This information is highly personal and the right to privacy of a person who has neither been arrested nor charged with a crime with respect to this information outweighs any legitimate public interest in obtaining it. Thus, disclosure of the names, physical descriptions, and photographs of the subjects would constitute a clearly unwarranted invasion of personal privacy to the subjects and is therefore exempt from disclosure under Section 7(1)(c).


Accordingly, the Department may issue a partial denial letter and release the documents with the appropriate information redacted, if it has not already done so.

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: 