



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

May 6, 2010

Wendellyn J. Briggs  
City Clerk/Freedom of Information Officer  
100 E. Phoenix Avenue  
P.O. Box 589  
Normal, IL 61761-0589

RE: Pre-Authorization Request – 2010 PAC 7086

Dear Ms. Briggs:

We have received and reviewed the written notice from the Town of Normal (Town) 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 (FOIA). The Town is seeking to deny disclosure of the requested document.


[REDACTED] submitted a FOIA request on April 27, 2010 for Police Report #201004745 and any related reports. In its written notice, the Town asserted that the entire report is exempt from disclosure under Section 7(1)(c) of FOIA "because it is a clearly unwarranted invasion of personal privacy."

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**

The Town's use of the exemption in Section 7(1)(c) with regard to all denial of disclosure of the entire report is denied. The Town did not provide the Public Access Counselor with the requested documents in order for a determination to be made. In addition, it is unlikely that use of the exemption in Section 7(1)(c) to deny disclosure of an entire police report would be appropriate.

However, the Town also asserted that the entire report is exempt from disclosure under the exemption in Section 7(1)(a). Use of this exemption does not require prior approval from our office and the Town may deny disclosure of documents under this exemption without notifying the Public Access Counselor. Please note, we express no opinion or advice on whether the Town's use of the Section 7(1)(a) exemption is proper with regard to this FOIA request.


Accordingly, unless the Town asserts an exemption other than Section 7(1)(c) to deny disclosure, it should release the requested documents to 

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:

