



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 13, 2010

Kerry Sutton
Freedom of Information Officer
Illinois State Police
801 S. Seventh St.
Suite 1000-S
Springfield, IL 19461

RE: Pre-Authorization Request — 2010 PAC 7228

Dear Trooper Sutton:

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

██████████ submitted a FOIA request dated May 3, 2010, seeking records in case 07-CR-15188. In its written notice, the ISP asserted that victims' names and dates of birth are exempt from disclosure under Section 7(1)(c) of FOIA.

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 victims' names is approved. We have determined that the disclosure of victims' names 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 and the victims' right to privacy outweighs any legitimate public interest in disclosing this information.

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The ISP's use of the exemption in Section 7(1)(c) 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 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 may issue a partial denial letter directly to [REDACTED] and release the records 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]
Amanda Kioja
Chief Deputy Public Access Counselor

cc:

[REDACTED]