



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 4, 2010

Julie Nistler
FOIA Officer
City of Park Ridge
Police Department
200 South Vine Avenue
Park Ridge, Illinois 60068

RE: Pre-Authorization Request — 2010 PAC 7236

Dear Ms. Nistler:

We have received and reviewed the written notice from the City of Park Ridge Police Department (Department) of its intention to deny disclosure of certain records as exempt 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 April 28, 2010, seeking all reports involving himself and his adult daughter, ██████████. In its written notice, the Department acknowledged that it had identified one document that is responsive to ██████████ request, but further asserted that the entire document is 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 Department's application to withhold production of the document *in toto* is denied. The document clearly contains information the disclosure of which (with appropriate redactions) would not result in a clearly unwarranted invasion of personal privacy.

The Department's use of the exemption in Section 7(1)(c) with regard to the dates of birth contained in the document, however, 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.

Further, with regard to the balance of the information contained in the document, the Department may assert the Section 7(1)(b) exemption for "private information," if appropriate. Use of this exemption to deny disclosure of information in public records does not require preapproval from our office. Further, the identity of witnesses and other information may be subject to redaction under Section 7(1)(d) of FOIA. This letter should not be construed, however, as commenting on the applicability of either Section 7(1)(b) or 7(1)(d) to specific information in the document in question.

As such, the Department may issue a partial denial letter directly to [REDACTED] 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:

[REDACTED]
Amalia Rioja
Chief Deputy Public Access Counselor

cc:

[REDACTED]

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