



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 13, 2010

Patricia Taves
Freedom of Information Officer
Glen Ellyn Police Department
535 Duane Street
Glen Ellyn, IL 60137-4675

RE: Pre-Authorization Request — 2010 PAC 7250

Dear Ms. Taves:

We have received and reviewed the written notice from the Glen Ellyn Police Department (Department) 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.

██████████ with the Royal Glenn Condo Association submitted a FOIA request dated April 29, 2010, seeking various police reports which resulted from complaints made against her. In its written notice, the Department asserted that certain narrative information 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.*

In the Department's pre-authorization request, it has included a proposed copy of redactions to be made. In the redacted copy, the Department has withheld dates of birth. The Department'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

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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.

In the redacted report, we note that on page 2 of the Department's November 20, 2009 report, Gina M. Swan's age is redacted. We assume the Department intended to redact the date of birth instead.

The Department's use of the exemption in Section 7(1)(c) with regard to narrative information is denied. We have determined that the disclosure of narrative information would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). The Department, however, may consider whether such information is exempt under Section 7(1)(d) of FOIA. Please note that this letter does not express an opinion or give advice as to the applicability of the exemption in Section 7(1)(d).

As such, the Department may issue a partial denial letter directly to [REDACTED] and release the records to her with the appropriate information redacted in accordance with this letter. If, however, the Department determines that the exemption in Section 7(1)(d) applies, it may assert that exemption in responding to the requester.

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]