



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 13, 2010

Ann Kavanaugh
Records Supervisor
Schaumburg Police Department
1000 W Schaumburg Rd.
Schaumburg, IL 60194-4198

RE: Pre-Authorization Request – 2010:PAC-6145

Dear Ms. Kavanaugh:

We have received and reviewed the notice from the Schaumburg Police Department (Department) of its intention 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.

On January 22, 2010, [REDACTED] requested all police reports relating to [REDACTED]. On March 8, 2010, this Office received the Department's written notice of its intention to deny disclosure of reports of incidents where no arrests were made and which resulted in no prosecutions. The Department also notified us of its intention to redact certain witness and victim information from reports labeled P, Q and R.

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 the 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 Department's use of the exemption in Section 7(1)(c) with regard to entire reports of incidents that resulted in no arrests or prosecutions is approved. Because of the wording of the request, all responsive reports involve [REDACTED]. Therefore, simply redacting the subject's

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name would not protect his privacy. The information in these reports is highly personal, and because no arrests were made, the subject's right to privacy outweighs any legitimate public interest in disclosing this information. Therefore, releasing them would constitute a clearly unwarranted invasion of personal privacy as defined in Section 7(1)(c).

The Department's use of the exemption in Section 7(1)(c) with regard to the victim and witness information in reports P, Q and R is approved. This information is highly personal, and the subjects' right to privacy outweighs any legitimate public interest in disclosing this information.

The Department should send a partial denial letter directly to Mr. Dimmick and release the appropriate records to him in accordance with this letter. If you have any questions, please feel free to contact Sarah Kaplan at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Amalia Rioja by SRK
Amalia Rioja
Chief Deputy Public Access Counselor

cc:

