



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 30, 2010

Officer Robert W. Orzel, Jr.
FOIA Officer
Lansing Police Department
2710 170th St.
Lansing, IL 60438-1110

RE: Pre-Authorization Request — 2010 PAC 6486

Dear Officer Orzel:

We have received and reviewed the written notice from the Lansing Police Department (Department) of its intention to deny certain records requested by [REDACTED] as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA), because they contain "personal information, the disclosure of which would result in a clearly unwarranted invasion of personal privacy." 5 ILCS 140/7(1)(c). Mr. [REDACTED]'s FOIA request sought all police reports relating to domestic disturbances involving both [REDACTED] and [REDACTED] [REDACTED] from January 2008 to the date of his request. The Department indicated in its written notice that it intends to deny all responsive reports in their entirety and included these reports for our office's review.

Section 7(1)(c) of FOIA permits a public body to withhold "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." That provision further defines an "unwarranted 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." It also provides that "[t]he disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy."

Determination

As a result of our office's review, we have determined that the Department has met its initial burden of justifying its use of the exemption in Section 7(1)(c) with regard to each of the reports it has provided, other than Report No. 20020 which describes events which led to the arrest of Mr. [REDACTED]. We have determined that the disclosure of the information for which we approve the Department's Notice of Intent herein would constitute a clearly unwarranted invasion of personal

privacy under Section 7(1)(c). This type of information is highly personal by its very nature and the privacy rights of those persons involved outweighs any legitimate public interest in disclosing this information.

With respect to Report No. 20020, Section 2.15(a) of FOIA requires the disclosure of portions of that arrest report, namely: "(i) information that identifies the individual, including the name, age, address, and photograph, when and if available; (ii) information detailing any charges relating to the arrest; (iii) the time and location of the arrest; (iv) the name of the investigating or arresting law enforcement agency; (v) if the individual is incarcerated, the amount of any bail or bond; and (vi) if the individual is incarcerated, the time and date that the individual was received into, discharged from, or transferred from the arresting agency's custody." However, notwithstanding the information from Report No. 20020 which must be disclosed under Section 2.15(a), the home addresses and home telephone numbers that appear in that report are clearly exempt as "private information" under Section 7(1)(b), as that phrase is defined under Section 2(c-5). 5 ILCS 140/7(1)(b).

If you have any questions concerning this matter, please feel free to contact the undersigned at (217) 782-9078. This letter shall serve to close this file.

Sincerely,

Cara Smith
Public Access Counselor

By: 

Matthew M. Sebek
Assistant Attorney General, Public Access Division

cc: 