



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

August 19, 2010

Jan Weech
Freedom of Information Officer
McHenry County Sheriff's Office
2200 N. Seminary Avenue
Woodstock, IL 60098

RE: Pre-Authorization Request — 2010 PAC 7011

Dear Ms. Weech:

We have completed our review of McHenry County Sheriff's Office's request 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 April 19, 2010, [REDACTED] submitted a FOIA request for Police Report 10-012472 and the related supplemental report. In its written notice, the McHenry County Sheriff's Office (Sheriff's Office) asserted that the police report involves a family domestic disturbance which contains personal information which if released, would constitute an unwarranted invasion of personal privacy under Section 7(1)(c).

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 Sheriff's Office's use of the exemption in Section 7(1)(c) with regard to the information in the requested records is approved. We have determined that the disclosure of this information 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 Sheriff's Office may issue a partial denial letter directly to [REDACTED] and release the records to him in accordance with this letter.

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 [REDACTED]
Chief Deputy Public Access Counselor

cc: [REDACTED]