

OFFICE OF THE ATTORNEY GENERAL STATE OF ILLINOIS

Lisa Madigan ATTORNEY GENERAL

July 14, 2010

Trooper Kerry Sutton FOIA Officer Illinois State Police 801 S. Seventh St., Suite 1000-S PO Box 19461 Springfield, IL 62794

RE: Pre-Authorization Request – 2010 PAC 7458

Dear Trooper Sutton:

Thank you for providing the additional information we requested on June 1, 2010 in response to a written notice from the Illinois State Police (ISP) of its intention to deny certain records as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act. 5 ILCS 140/1 et seq., as amended (FOIA).

Pursuant to 5 ILCS 140/9.5(b), we asked ISP to provide a copy of the responsive documents it intended to withhold from disclosure under Section 7(1)(c) of FOIA, which were sought by in a FOIA request submitted to ISP on May 12, 2010. Sought "paper copies of all reports, generated by, or in the possession of, the Illinois State Police Division of Forensic Sciences relative to [the October 1, 2002 shooting death of the Illinois State Police Division of Forensic Sciences relative to [the October 1, 2002 shooting death of the Illinois State Police Division of Forensic Sciences relative to [the October 1, 2002 shooting death of the Illinois State Police Division of Forensic Sciences relative to [the October 1, 2002 shooting death of the Illinois State Police Division of Forensic Sciences relative to [the October 1, 2002 shooting death of the Illinois State Police Division of Forensic Sciences relative to [the October 1, 2002 shooting death of the Illinois State Police Division of Forensic Sciences relative to [the October 1, 2002 shooting death of the Illinois State Police Division of Forensic Sciences relative to [the October 1, 2002 shooting death of the Illinois State Police Division of Forensic Sciences relative to [the October 1, 2002 shooting death of the Illinois State Police Division of Forensic Sciences relative to [the October 1, 2002 shooting death of the Illinois State Police Division of Forensic Sciences relative to [the October 1, 2002 shooting death of the Illinois State Police Division of Forensic Sciences relative to [the October 1, 2002 shooting death of the Illinois State Police Division of Forensic Sciences relative to [the October 1, 2002 shooting death of the Illinois State Police Division of Forensic Sciences relative to [the October 1, 2002 shooting death of the Illinois State Police Division of Sciences relative to [the October 1, 2002 shooting death of the Illinois State Police Division of Sciences relative to [the October 1, 2002 shooting death of the Illinois State Police Division of Scie

ISP provided our office with a copy of the responsive documents and indicated that it intends to release the documents to with the exception of the name of the suspect. ISP asserts that the name of the suspect is exempt from disclosure under Section 7(1)(c) of FOIA.

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*.

Determination

ISP's proposed use of the exemption found in Section 7(1)(c) to deny disclosure of the suspect's name is approved. Although, we have no information that indicates whether the suspect identified in the responsive documents is the individual who has been convicted of the murder. As it is unknown if the suspect has been convicted for this offense, the disclosure of the suspect's name in connection with these reports would constitute a clearly unwarranted invasion of personal privacy.

Accordingly, ISP may issue a partial denial letter and release the documents with the name of the suspect redacted.

If you have any questions, please feel free to contact me at (312) 814-1003. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Jessica O'Leary

Assistant Attorney General

cc: