



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 27, 2010

Ann Kavanaugh
Records Supervisor/ FOIA Officer
Schaumburg Police Department
1000 W. Schaumburg Road
Schaumburg, Illinois 60194-4198

RE: Pre-Authorization Request – 2010 PAC 7467

Dear Ms. Kavanaugh:

We have received and reviewed the written notice from the Schaumburg Police Department (Department) of its intention to deny disclosure of all incident reports, from 1996 to present, involving a specific individual pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c).

On May 14, 2010, [REDACTED] sent a written request to the Department seeking “any police reports from address [REDACTED] Schaumburg, IL involving [REDACTED] (from 1996 to present).” In response, the Department asserts that the entire reports are exempted from disclosure pursuant to Section 7(1)(c) of FOIA because the reports are “highly personal and release of these reports would be objectionable to a reasonable person.”

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.” The exemption defines “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.” *Id.*

Determination

The Department’s use of the Section 7(1)(c) exemption to withhold the requested police reports in their entirety is **denied**. Police reports are public records as defined in Section 2(c) of FOIA. 5 ILCS 140/2(c). Although Section 7(1)(c) exempts from disclosure personal information contained within a public record if the release of that information would cause a clearly unwarranted invasion of personal privacy, only the specific information meeting that criterion may be withheld. Those parts of incident and arrest reports that do not disclose highly personal information must be disclosed, unless another statutory exemption is applicable.

The Department may redact highly personal information, such as dates of birth, contained the requested reports pursuant to Section 7(1)(c) of FOIA, upon obtaining pre-authorization from the Public Access Counselor.

Further, to the extent that the reports include personal information such as addresses and phone numbers, the Department such information constitutes "personal information" as defined in Section 2(c-5), which may be redacted pursuant to Section 7(1)(b) without seeking pre-authorization from the Public Access Counselor. Please note that letter does not express an opinion or provide advice as to the applicability of any non-7(1)(c) exemptions to these records. If you have any questions or concerns, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: 

Tola Adewola
Assistant Public Access Counselor

cc: 