



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 7, 2010

Kerry Sutton
Freedom of Information Officer
Illinois State Police
801 S. Seventh St., Suite 1000-S
Springfield, IL 19461

RE: Pre-Authorization Request — 2010 PAC 7689

Dear Trooper Sutton:

We have received and reviewed the written notice from the Illinois State Police (ISP) 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.

██████████ submitted a FOIA request which was received by the ISP on May 24, 2010, seeking various evidentiary documents regarding his case. In its written notice, the ISP asserted that victims' names, suspects' names, addresses and dates of birth are exempt from disclosure under Section 7(1)(c) of FOIA.

The home addresses the ISP redacted fall within the Section 7(1)(b) exemption for private information. "Private information" means unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." 5 ILCS 140/7(1)(b).

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 ISP's use of the exemption in Section 7(1)(c) with regard to the victims' names is approved.

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We have determined that the disclosure of victims' names 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.

The ISP's use of the exemption in Section 7(1)(c) with regard to the dates of birth is approved. We have determined that the disclosure of dates of birth 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.

The ISP's use of the exemption in Section 7(1)(c) with regard to the names of suspects who have not been arrested is approved. We have determined that the disclosure of these names 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.

However, the ISP's use of the exemption in Section 7(1)(c) with regard to the names of suspects who *have* been arrested is denied. We have determined that the disclosure of these names would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c).

As such, the ISP may issue a partial denial letter directly to [REDACTED] and release the records to him with the appropriate information redacted.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

[REDACTED]
Amalia Kioja
Chief Deputy Public Access Counselor

cc:

[REDACTED]