



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 8, 2010

Steven Giacoletto
Giacoletto Law Office, P.C.
1601 Vandalia Street
Highway 159
Collinsville, IL 62234

RE: Pre-authorization Request-- 2010 PAC 7784

Dear Mr. Giacoletto:

We have received and reviewed the written notice from the City of Lebanon (City) of its intention to deny 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.

Beth Hundsdorfer submitted a FOIA request to the City seeking police reports from April 8, 2010, concerning [REDACTED]. In its written notice, the City asserts that portions of the police reports are 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.*

The City's use of the exemption in Section 7(1)(c) with regard to dates of birth and the name and identifying information of the victim, is **approved**. We have determined that the disclosure of this information would be highly objectionable to a reasonable person. The subject's right to privacy outweighs any legitimate public interest in obtaining this information. Therefore, the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c).

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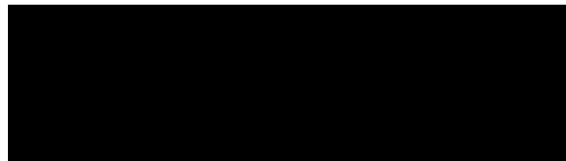
The City's use of the exemption in Section 7(1)(c) with respect to the name of the suspect is **denied**. Because the suspect was arrested and charged with a crime, we have determined that the disclosure of suspect's name would *not* be highly objectionable to a reasonable person and his right to privacy does *not* outweigh the legitimate public interest in obtaining this information. Therefore, the disclosure of this information would *not* constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c).

The City may provide the redacted records to the requester in accordance with this letter.

Should 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



Chief Deputy Public Access Counselor

cc: Beth Hundsdorfer
Belleville News-Democrat
Post Office Box 427
Belleville, Illinois 62220