

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

Lisa Madigan
ATTORNEY GENERAL

June 17, 2010

Trp. Kerry Sutton
801 S. Seventh St., Suite 1000-S
P.O. Box 19461
Springfield, Illinois 62794

RE: FOIA Pre-Authorization Request - 2010 PAC 7845

Dear Trp. Sutton:

We have received and reviewed the Illinois State Police's pre-authorization request and accompanying documents [REDACTED] submitted a Freedom of Information Act ("FOIA") request to the State Police on June 17, 2010. Specifically, [REDACTED] has requested copies of "all information regarding forensic evidence and fingerprint analysis in case 00 CR 10577." The State Police provided the requested information to [REDACTED] but redacted the names of all victims. The State Police asserts that the redacted information is exempt from disclosure under section 7(1)(c) of FOIA, 5 ILCS 140/7(1)(c).

Section 7(1)(c) exempts from inspection and copying the following: personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. . . . 'Unwarranted invasion of personal privacy' means the disclosure of information that is highly personal or objectionable to reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." 5 ILCS 140/7(1)(c).

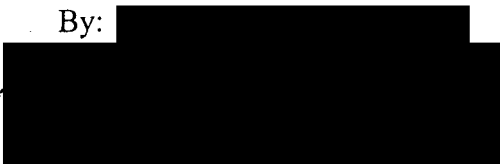
Here, the withheld information consists of the names of victims who have been killed by [REDACTED]. This Office has determined that this information is not exempt from public disclosure under section 7(1)(c). The public has a legitimate interest in discovering facts material to crimes against the People. Disclosure of the victims' names in this case serves this interest, and outweighs any privacy interests. Indeed, the privacy interest of a deceased is insufficient to overcome the public's interest in discovering the facts of the crime under the circumstances here. Therefore, the State Police cannot withhold the victims' names pursuant to section 7(1)(c) of FOIA.

If you have any questions or concerns, please contact me at (312) 814-5044. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


Sunil Bhawe
Assistant Attorney General

cc:

