



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

Lisa Madigan  
ATTORNEY GENERAL

July 23, 2010

Honorable Julia R. Rietz  
State's Attorney of Champaign County  
101 E. Main Street  
P.O. Box 785  
Urbana, Illinois 61801

RE: Pre-Authorization Request – 2010 PAC 7996

Dear State's Attorney Rietz:

Thank you for providing the additional information we requested on June 23, 2010 in response to a written notice from the Office of the State's Attorney, Champaign County (Office) of its intention to deny certain records, sought by [REDACTED] in a FOIA request submitted to the Office on June 9, 2010, as exempt from disclosure under Sections 7(1)(c) and 7(1)(f) 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 that the Office provide a redacted and an unredacted copy of UIPD Reports UI10-657, along with a detailed factual basis of why disclosure of this specific information would constitute a clearly unwarranted invasion of personal privacy. In addition, we asked that the office provide copies of any communications relating to UIPD Report UI10-657 with individuals or entities external to the Office, which may exist, that you are seeking to withhold from disclosure under Section 7(1)(f).

**Determination**

UIPD Report UI10-657

The Office's proposed use of the personal privacy exemption found in Section 7(1)(c) of FOIA to deny disclosure of dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy. 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 Office's proposed use of the personal privacy exemption found in Section 7(1)(c) of FOIA to deny disclosure of race, gender, height, weight, and hair and eye color is denied. These

individual characteristics are not highly personal and therefore disclosure of this information would not constitute an unwarranted invasion of personal privacy.

We have determined that the telephone numbers, addresses, Social Security Numbers, and driver's license numbers the Office intends to redact 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 140/2(c-5).

Use of this exemption to partially deny disclosure of public records does not require preapproval from our office.

#### Complete State's Attorney File

The Office's proposed use of the deliberative process exemption found in Section 7(1)(f) to deny disclosure of the "complete state's attorney file," including any communications among staff members of the Office relating to the incidents described in UIPD reports UI10-657 and UI10-1698 is approved.

Section 7(1)(f) of FOIA exempts from disclosure records that constitute "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record shall not be exempt when the record is publicly cited and identified by the head of the public body." 5 ILCS 140/7(1)(f).

Records contained in a state's attorney file consist of opinions, recommendation, and strategic planning related to potential litigation and therefore are exempt from disclosure under Section 7(1)(f) of FOIA.

#### Communications Relating to UIPD Report UI10-657

In the Office's response to our request for further information, you advise that "we have no communication relating to that report number." Therefore, the Office is not seeking pre-authorization to deny disclosure of any communications.

Accordingly, the Office may issue a partial denial letter and releasing the requested records with the appropriate redactions made.

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:

