



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

June 25, 2010

Luly Godinho  
FOIA Officer  
Aurora Police Department  
1200 East Indian Trail Road  
Aurora, Illinois 60506-1696

RE: Pre-Authorization Request – 2010 PAC 8000  
Requester: [REDACTED]

Dear Ms. Godinho:

We have received and reviewed the written notice from the City of Aurora Police Department (Police) of its intent to deny disclosure of names of suspects never arrested or charged in police and evidence reports as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c). This letter is to advise you that your request is approved.

[REDACTED] submitted a FOIA request dated June 9, 2010, seeking police and evidence reports related to the homicide of [REDACTED] on November 4, 1990. In its written notice, the Department asserted that the names of suspects never arrested or charged 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.*

**Determinations**

Based on the facts presented here, the Police’s use of the exemption in Section 7(1)(c) with regard to names of suspects never charged or arrested is approved. We have determined that the disclosure of this information would be highly objectionable to a reasonable person. Because the individuals named in these reports were never arrested or charged, the subjects’ subjects’ privacy concerns are significantly heightened, and the right to privacy in these reports outweighs any

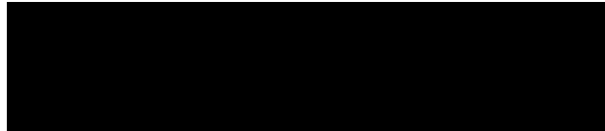
legitimate public interest in obtaining this information. Therefore, the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c).

Should you have questions or concerns, please call our office at 1-877-299-FOIA (3642). This letter shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:



Sara Gado la Gallagher  
Deputy Public Access Counselor

cc:

