



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 9, 2010

Matthew Sandoval, #12963
FOIA Officer
Department of Police
3510 S. Michigan Ave.
Chicago, Illinois 60653

RE: FOIA Pre-Authorization Request - 2010 PAC 8057

Dear Mr. Sandoval:

We have reviewed the Chicago Police Department's pre-authorization request and accompanying documents related to Annie Sweeney's request under the Illinois Freedom of Information Act ("FOIA") for "copies of any Chicago Police Department reports naming [REDACTED]" In particular, Ms. Sweeney sought a police report from the 19th District generated approximately two weeks prior to her FOIA request on June 3, 2010. However, she made clear that her FOIA request was not limited to this one particular report. The Police Department notified us of its intention to deny the request, in part, under Section 7(1)(c) of FOIA. 5 ILCS 140/7(1)(c).

On June 28, 2010, we determined that further inquiry was warranted, and requested the Police Department to provide us with the responsive records together with a detailed explanation as to why it believes that Section 7(1)(c) exempts the information from disclosure. The Police Department provided us with the information we sought on August 25, 2010.

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." *Id.*

We conclude that the Police Department has satisfied its burden of establishing a Section 7(1)(c) exemption in these circumstances. The Department identified three police reports that are responsive to Ms. Sweeney's request. In two of the reports, [REDACTED] was identified as a potential victim. With respect to the third report, no one was arrested nor did any legal action follow. Disclosure of these reports, when no arrest or other legal action resulted, would

constitute a clearly unwarranted invasion of [REDACTED]'s personal privacy. These reports are highly personal and their disclosure would be objectionable to a reasonable person.

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: [REDACTED]

[REDACTED]
Sunil Bhawe
Assistant Attorney General

cc: Annie Sweeney
Chicago Tribune
435 N. Michigan Ave.
Chicago, Illinois 60611