



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 13, 2010

Kathe Swanson
Dixon City Clerk
Post Office Box 386
Dixon, Illinois 61021

RE: Pre-Authorization Request – 2010 PAC 8351
Requester: [REDACTED]

Dear Ms. Swanson:

We have received and reviewed the written notice from the City of Dixon (City) of its intention to deny disclosure of three police 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 30, 2010, seeking police reports related to four addresses within the City. In its written notice, the City asserted that three of 19 responsive reports are exempt from disclosure under Section 7(1)(c) of FOIA. Two of the reports involve responses to a highly personal medical incident, and one of the reports involves a child custody incident.

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

The City’s use of the exemption in Section 7(1)(c) with regard to the three reports is approved. We have determined that the disclosure of this information would be highly objectionable to a reasonable person. The subjects’ right to privacy in the details contained within the reports outweighs any legitimate public interest in obtaining this information. Furthermore, the private details permeate nearly every sentence of the reports, making redaction impractical. Therefore,

the disclosure of these reports would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c).


Sections 7(1)(a) and 7(1)(b) of FOIA do not require pre-authorization. As such, the City does not require our pre-authorization to redact private information, as defined by Section 2(c-5) of FOIA, or information that relates to the arrest of juveniles. Accordingly, it is not necessary at this juncture to determine whether use of these exemptions is appropriate in this case.

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 Gadola Gallagher
Deputy Public Access Counselor

cc: 