



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 29, 2010

Ms. Cindy Smiley
Freedom of Information Office
City of Woodstock
121 W. Calhoun St.
Woodstock, IL 60098

RE: FOIA Pre-Authorization Request - 2010 PAC 8460

Dear Ms. Smiley:

Thank you for providing your response to our request for additional information regarding the above-referenced Pre-Authorization Request. For the reasons set out below, we have determined the City of Woodstock (City) may properly deny in part [REDACTED] July 7, 2010 Freedom of Information Act (FOIA) request seeking police report 10-10127.

On July 7, 2010, [REDACTED] submitted a FOIA request to the City for a copy of police report 10-10127. Ms. Faulds is the apartment manager for the building where the incident addressed in report 10-10127 occurred.

On July 14, 2010, the Public Access Counselor (PAC) received a Pre-Authorization Request from the City to deny [REDACTED] request pursuant to Section 7(1)(c) of FOIA.

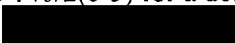
Section 7(1)(c) of FOIA exempts from inspection and copying "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless disclosure is consented to in writing by the individual subjects of the information." 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 of privacy outweighs any legitimate public interest in obtaining the information." *Id.*

Pursuant to Section 9.5(c), we requested on July 19, 2010, that the City provide the PAC an un-redacted copy of the report and a detailed factual basis for denying the request.

In the City's response, it stated that some of the details in the narrative of the report, if disclosed would create "embarrassment" for the parties involved in the incident and would constitute a clearly unwarranted invasion of the subjects' personal privacy.

Determination


Your pre-authorization request is **granted in part**. We have determined that the narrative in report 10-10127 does contain "information that is highly personal or objectionable to a reasonable person and in which the subject's right of privacy outweighs any legitimate public interest in obtaining the information." 5 ILCS 140/7(1)(c). Accordingly, the City may redact the narrative portion of the report,

and also the dates of birth of those involved, pursuant to Section 7(1)(c) of the FOIA. Other portions of the report containing "private information," as defined in FOIA, may be redacted pursuant to Section 7(1)(b). (See 5 ILCS 140/2(c-5) for a definition of "private information.") The remainder of the report must be disclosed to 

If you have any questions, please feel free to contact me at (312) 793-0865. This letter shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:  ^{BIB}

Sara Gadola Gallagher
Deputy Public Access Counselor

