



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 26, 2010

Philip A. Mock
Assistant State's Attorney
State's Attorney of Will County
57 North Ottawa Street, 6th Floor
Joliet, Illinois 60432

RE: Pre-Authorization Request – 2010 PAC 8519
[REDACTED]

Dear Mr. Mock:

We have received and reviewed the written notice from the Will County State's Attorney's Office, on behalf of the Will County Sheriff, of its intention to deny disclosure of one incident report 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 to withhold the report is denied. The Sheriff may, however, redact the narrative section of the report pursuant to Section 7(1)(c) of FOIA.

[REDACTED] submitted a FOIA request dated July 8, 2010, seeking police reports related to [REDACTED] for the period between January 1, 2008, and December 8, 2008. In its written notice, the Sheriff asserted that one responsive report is exempt from disclosure under Section 7(1)(c) of FOIA. The report involves a police response to a purported medical incident. No one was arrested, and no charges were filed.

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 Sheriff's use of the exemption in Section 7(1)(c) to withhold the entire incident report is denied. The Sheriff may, however, redact the narrative section of the report as exempt under Section 7(1)(c) of FOIA. We have determined that the disclosure of the information in the

narrative section would be highly objectionable to a reasonable person. The subjects' right to privacy in the details contained within the narrative section outweighs any legitimate public interest in obtaining this information. However, these private details are set out only in the narrative section of the report. Section 7(1) of FOIA provides that, when a document contains both exempt and non-exempt information, non-exempt information should be released after exempt information is redacted from the document. 5 ILCS 140/7(1). Therefore, the Sheriff is required to release the document in question, but may redact the narrative section before producing it to the requester.

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



Amala Katoja
Chief Deputy Public Access Counselor

cc:

