



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

August 10, 2010

Trooper Kerry Sutton  
Freedom of Information Officer  
Illinois State Police  
801 S. Seventh Street Suite 1000-S  
Post Office Box 19461  
Springfield, Illinois 62794-9461

RE: Request for Review – 2010 PAC 8727

Dear Trooper Sutton:

We have received and reviewed the written notice from the Illinois State Police (ISP) of its intention to withhold certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et. seq.*, as amended.

Specifically, on July 19, 2010, [REDACTED] submitted a FOIA request to ISP seeking the arrest record of Leno Campbell, confirmation of a Firearm Owner Identification (FOID) card, and any information relating to Mr. Campbell's registration and ownership of firearms. In its written notice to this Office, ISP asserted that releasing confirmation of a FOID card and information relating to an individual's ownership and registration of a firearm is exempt from disclosure under Section (7)(1)(c) of FOIA, which 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.*

In its letter, ISP explains that United States Supreme Court decisions have upheld an individual's right to own or possess a firearm under the Second Amendment and that the decision of an individual to exercise their right under the Second Amendment is a private matter. According to ISP, the right of privacy of the individual to own a firearm outweighs the public interest in obtaining such information.

**Determination**

ISP's request for approval of its decision to withhold confirmation of Mr. Campbell's ownership of a FOID card and information relating to Mr. Campbell's ownership of firearm pursuant to Section 7(1)(c) is denied.

With limited exceptions, State law prohibits any person from acquiring or possessing a firearm unless he or she has a valid FOID card. 430 ILCS 65/2. The General Assembly has determined that it is in the public interest to provide a system for identifying persons who are not qualified to acquire or possess firearms through the issuance of FOID cards. 430 ILCS 65/1. Because of the public safety factors that exist with regard to the ownership of a firearm, it is the conclusion of this Office that information confirming an individual's ownership of a FOID card and information relating to the ownership of a firearm does not constitute an unwarranted invasion of privacy and is outweighed by the public's right to obtain such information.

Additionally, we know of no federal or state authority that recognizes an inherent right of privacy with regard to firearm ownership.

Based on this analysis, ISP has not met its burden under Section 7(1)(c) and should disclose any confirmation of Mr. Campbell's possession of a FOID card and any information relating to Mr. Campbell's ownership and registration of a firearm to [REDACTED]

If you have any questions or concerns, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:

[REDACTED]  
Matthew C. Rogina  
Assistant Public Access Counselor

cc:

[REDACTED]