



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 24, 2010

Robert Burden
FOIA Officer
City of Loves Park
100 Heart Boulevard
Loves Park, Illinois 61111

RE: Pre-Authorization Request – 2010 PAC 8784

Dear Mr. Burden:

We have received and reviewed the written notice from the City of Loves Park (City) of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

██████████ submitted a FOIA request dated July 27, 2010, seeking a copy of a Police Report # 10-013978. In its written notice, the City asserted that the entire report is exempt from disclosure under Section 7(1)(c) of FOIA.

Determination

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." 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.*

The City's use of the Section 7(1)(c) exemption with regard to the police report in its entirety is denied. However, we approve the use of the exemption in Section 7(1)(c) to redact dates of birth,

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names of individuals involved in the incident and the narrative description. We have determined that disclosure of this information would constitute a clearly unwarranted invasion of privacy because it pertains to a sensitive matter in which no arrest occurred. This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. Accordingly, the City has met its burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA. As such, the City may issue a partial denial letter directly to [REDACTED] and release the documents to [REDACTED] with the appropriate information redacted.

Please note that home phone numbers and home addresses may be redacted as "private information" under Section 7(1)(b), which does not require pre-authorization from our office.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Amalia Rioja
Amalia Rioja *b4EK*
Chief Deputy Public Access Counselor

cc: [REDACTED]