



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

August 30, 2010

Ms. Kathe Swanson
City Clerk
City of Dixon
P.O. Box 386
Dixon, Illinois 61021

RE: Pre-Authorization Request – 2010 PAC 8931

Dear Ms. Swanson:

We have received and reviewed the written notice from the City of Dixon (City) of its intention to deny disclosure of a police report as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c). The City's written notice relates to a FOIA request submitted by [REDACTED] for records involving [REDACTED]. The City has asserted that the police report is exempt from disclosure under Section 7(1)(c) because it contains graphic details of an alleged crime committed against [REDACTED].

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. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy." *Id.*

Determination

The City's use of the Section 7(1)(c) exemption with regard to the police report in question is **approved**. As established by the City, the report contains information about the victim that is

highly personal, the release of which would be objectionable to a reasonable person. Moreover, the victim's right to privacy with respect to this information outweighs any legitimate public interest in its disclosure. Thus, disclosure of the report would constitute a clearly unwarranted invasion of the personal privacy of the victim under Section 7(1)(c) of FOIA.

Accordingly, the City should issue a partial denial letter to [REDACTED]. Should you have questions or concerns, please feel free to contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: *Sara Gadola Gallagher*
njp
Sara Gadola Gallagher
Deputy Public Access Counselor

cc:

