



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

August 26, 2010

Lisa Madigan
ATTORNEY GENERAL

Robert J. Burden, City Clerk
Freedom of Information Officer
City of Loves Park
100 Heart Boulevard
Loves Park, Illinois 61111

RE: Pre-Authorization Request — 2010 PAC 9152

Dear Clerk Burden:

We have received and reviewed the written notice from the City of Loves Park (City) of its intent to deny disclosure of 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.

██████████ submitted a FOIA request dated August 12, 2010, seeking police report number 10-007155. In its submission to our office, the City redacted dates of birth, personal phone numbers, home addresses and certain names as exempt from disclosure under Section 7(1)(c) of FOIA.

The home addresses and personal telephone numbers the City redacted fall within the Section 7(1)(b) exemption for private information. "Private information" means unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." 5 ILCS 140/7(1)(b)

In addition, the names of individuals who have filed complaints with or provided information to law enforcement may be exempt from disclosure under Subsection 7(1)(d)(iv) of FOIA.

Use of these exemptions to partially deny disclosure of public records does not require preapproval from our Office.

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." 5 ILCS 140/7(1)(c). The exemption defines "[u]nwarranted invasion of personal

August 26, 2010

Page 2

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 exemption in Section 7(1)(c) with regard to the dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). 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.

The City's use of the exemption in Section 7(1)(c) with regard to the victim's name is approved. We have determined that the disclosure of victims' names would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). 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.

Finally, the City has also redacted the sex and race of individuals involved. The redaction of this information is denied. This information is not exempt under Section 7(1)(c).

The City may wish to consider other exemptions with regard to this information. However, this letter gives no advice or opinion with regard to other exemptions. As such, the City may issue a partial denial letter directly to Mr. Hornbogen and release the records to him with the appropriate information redacted and a list of all of the FOIA exemptions used in partially denying information.

If you have any questions, please feel free to contact me at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Amalia Rioja by: AA

Amalia Rioja
Chief Deputy Public Access Counselor

cc:

