



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

Lisa Madigan
ATTORNEY GENERAL

August 30, 2010

Tpr. Kerry Sutton
Freedom of Information Officer
Illinois State Police
Via electronic mail
Kerry_Sutton@isp.state.il.us

RE: FOIA Pre-approval Request – 2010 PAC 9190

Dear Trooper Sutton:

On August 20, 2010, we received from the Illinois State Police (ISP) a written request for approval of its intention to assert the Section 7(1)(c) exemption in response to August 9, 2010 Freedom of Information Act (FOIA) request from [REDACTED]. The request sought certain specified lab reports. The ISP has indicated its intention to deny access to and redact from the requested records the names of victims and other suspects and names of other elimination prints as constituting a clearly unwarranted invasion of personal privacy.

Section 7(1)(c) of the Freedom of Information Act permits a public body to withhold “[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” That provision further defines an “unwarranted 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 existence and nature of crime related laboratory tests of physical evidence collected from individuals and the results of those tests released in conjunction with the identities of the individual subjects of that testing is highly personal information and would be objectionable to a reasonable person. Additionally, the subjects’ rights to privacy outweigh any public interest in the release of that information. Accordingly, as a result of our review, we have determined that ISP may properly decline to disclose under subsection 7(1)(c) the names of victims and suspects other than the requester included in the requested laboratory records, as well as the names of other persons whose fingerprints were identified at the crime scene. The request to assert the exemption under Section 7(1)(c) is hereby approved with regard to those names.

If you have any questions, please feel free to contact me at (217) 785-7438. This letter shall serve to close this file.

Sincerely,

Cara Smith
Public Access Counselor



Amanda M. Lundeen
Assistant Public Access Counselor

cc:

