



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 24, 2010

Mr. Michael Kelly
Assistant Freedom of Information Act Officer
Chicago Police Department
3510 S. Michigan Avenue
Chicago, Illinois 60653

RE: Pre-Authorization Request - 2010 PAC 9195

Dear Mr. Kelly:

We have received and reviewed the written notice from the City of Chicago Police Department (CPD) 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 9, 2010, [REDACTED] filed a FOIA request with CPD and requested all information relating to Police Report No. 10-686 (Report).

On August 13, 2010, CPD sent a pre-authorization request to this Office seeking to withhold the statements of the alleged victim, witnesses and arrestee of an alleged criminal sexual abuse matter pursuant to 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.*

Determinations

CPD's request for approval of its decision to withhold the statements of the alleged victim, witnesses and arrestee is approved in part and denied in part. With respect to the statements made by the alleged victim, CPD may withhold such information as disclosure of the statements could constitute a highly unwarranted invasion of personal privacy for the alleged victim. As such, no legitimate public interest exists as to the disclosure of such statements.

CPD has not met its burden, however, in demonstrating that a similar expectation of privacy

exists with statements made by the arrestee and witnesses pursuant to Section 7(1)(c). Specifically, the public interest in statements made by the arrestee outweighs any personal privacy interests the arrestee has under Section 7(1)(c). However, to the extent that any witness statements could reveal identifying or even personal information about the witness or a possible relationship to the victim or arrestee, such information may be withheld by CPD pursuant to Section 7(1)(c).

Based on this analysis, CPD may redact the statements of the alleged victim but should disclose the information specified above.

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

Sincerely,

Cara Smith
Public Access Counselor

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Matthew Rogina
Assistant Public Access Counselor