



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 3, 2010

Kerry Sutton
Illinois State Police
801 S. Seventh St., Suite 1000-S
P.O. Box 19461
Springfield, IL 62794-9461

RE: FOIA Preauthorization Request – 2010 PAC 9249

Dear Mr. Sutton:

The Office of the Public Access Counselor has received and reviewed the written notice from the Illinois State Police of its intention to deny, in part, a request by [REDACTED] for records of an investigation into alleged threats against a State official.

The State Police intends to disclose reports concerning the investigation, but it seeks preauthorization from the Public Access Counselor to redact "personal identifiers" pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c)), on the basis that disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. For purposes of FOIA, an "[u]nwarranted invasion of personal privacy means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs the legitimate public interest in obtaining the information." 5 ILCS 140/7(1)(c). The State Police also intends to redact other information on the basis that it is exempt under Sections 7(1)(a), 7(1)(d)(iv) and 7(d)(vi) of FOIA, including criminal history information, images obtained from the Secretary of State, and information tending to identify people who provided information during the investigation. We will not discuss those exemption claims at this time because FOIA does not require a public body to obtain preauthorization from the Public Access Counselor of exemption claims under those provisions. See 5 ILCS 140/9.5(b)


As a result of our review, we have determined that birth dates and the names of other suspects mentioned in the records may be redacted pursuant to Section 7(1)(c) because disclosure would result in a clearly unwarranted invasion of personal privacy. Certain other private information described in Section 2(c-5) of FOIA, including home addresses, home telephone numbers, and social security numbers may be redacted under Section 7(1)(b) of FOIA without obtaining preauthorization from the Public Access Counselor. Therefore, the request to assert the exemption under Section 7(1)(c) is approved and further inquiry into this matter is not warranted.

Should you have any questions, please feel free to contact me at (312) 814-2770. This correspondence will serve to close the matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


John Schmidt
Assistant Attorney General

cc:

