



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

Lisa Madigan
ATTORNEY GENERAL

September 2, 2010

Ms. Julie Nistler
City of Park Ridge Police Department
200 S. Vine Ave.
Park Ridge, IL 60068

Re: Pre-Authorization Request – 2010 PAC 9290
FOIA Requester: Kristina Scott – 1460 Renaissance Drive

Dear Ms. Nistler:

We have received and reviewed the written notice from the City of Park Ridge Police Department (Department) of its intention to deny disclosure of dates of birth in a police report and entirety of police report 10-13712 for being exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

Section 7(1)(c) 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”. The exemption defines “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.”

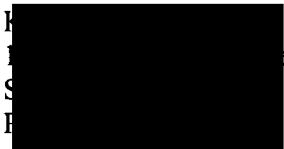
The Department’s use of the subsection 7(1)(c) exemption with regard to dates of birth is **approved**. The information is highly personal by its very nature, and the subjects’ right to privacy with respect to this information outweighs any legitimate public interest in obtaining it. Thus, the information is exempt from disclosure under subsection 7(1)(c) of FOIA, as disclosure would constitute a clearly unwarranted invasion of personal privacy to the subjects of the information.

The Department’s use of the subsection 7(1)(c) exemption with regard to the entirety of police report [REDACTED] is **denied**. The Department argues that because the suspect was released without charge, the disclosure of the report would be highly personal and objectionable to a reasonable person and that the subject’s right to privacy outweighs any legitimate public interest in obtaining the information. However, FOIA specifically requires arrest reports to be provided promptly and with sufficient information to identify the arrestee – including name, age, address, and photographs when available. 5 ILCS 140/2.15(a). Accordingly, the Department should release the police report in accordance with this letter.

Should you have questions or concerns, please feel free to contact me at (312) 814-5206. This correspondence shall serve to close this matter.

Sincerely,

cc:



Cara Smith
Public Access Counselor

Amalia Rioja /RSR

By: Amalia Rioja
Chief Deputy Public Access Counselor