



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 8, 2010

Trooper Kerry Sutton
Illinois State Police
801 S. Seventh St., Suite 1000-S
PO Box 19461
Springfield, IL 62794

RE: Pre-Authorization Request – 2010 PAC 9408

Dear Trooper Sutton:

We have received and reviewed the written notice from the Illinois State Police (ISP) of its intention to deny certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended (FOIA).

[REDACTED] submitted a FOIA request dated August 19, 2010 seeking “[t]est results on all exhibits submitted for testing in Laboratory Case #F01-000580, CSSC Case #H01-2331-9-1, Agency Case #01-1516.” In its written notice, ISP asserts that the names of the victim and individuals who submitted elimination prints are exempt from disclosure under Section 7(1)(c) of FOIA.

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 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.*

Determination

ISP’s proposed use of the exemption found in Section 7(1)(c) of FOIA to deny disclosure of the names of the victim and individuals who submitted elimination prints is approved. We have determined that the disclosure of victims’ names and non-arrested third parties would constitute a clearly unwarranted invasion of personal privacy. This type of information is highly personal by its very nature and the subjects’ right to privacy outweighs any legitimate public interest in disclosing this information.

Accordingly, ISP may issue a partial denial letter and the release the records with the names of the victim and individuals who submitted elimination prints redacted.

If you have any questions, please feel free to contact me at (312) 814-1003. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


Jessica O'Leary
Assistant Attorney General

cc:

