



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 9, 2010

Ms. Sharon Samuels
FOIA Officer
Winfield Police Department
27 W 465 Jewell Rd.
Winfield, IL 60190

RE: Pre-Authorization Request – 2010.PAC 9463

Dear Ms. Samuels:

We have received and reviewed the notice from the Winfield Police Department (Department) of its intention to deny disclosure of 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. On August 31, 2010, [REDACTED] requested records relating to case number 1998CF001428. The Department intends to redact the names and home addresses of crime victims and the name of a juvenile offender from the responsive documents pursuant to Section 7(1)(c).

Names of Crime Victims

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 the 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.*

The Department’s use of the exemption in Section 7(1)(c) with regard to the victims’ names is approved. We have determined that the disclosure of the names of crime victims would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). The fact that one has been the victim of a crime is highly personal information. The victims’ right to privacy outweighs any public interest in the disclosure of the identity of the victims.

Home Addresses of Crime Victims and Name of Juvenile Offender

Home addresses, when linked to an individual, are defined as "private information" under Section 2(c-5) of FOIA and may be redacted under Section 7(1)(b). You do not need permission from our office to assert this exemption.

The Juvenile Court Act of 1987 prohibits law enforcement officers from disclosing the identity of any minor in releasing information to the general public as to the arrest, investigation or disposition of any case involving a minor. 705 ILCS 405/1-7(E). The name of the juvenile offender may be redacted under Section 7(1)(a) of FOIA. You do not need permission from our office to assert this exemption.

The Department should send a partial denial letter directly to [REDACTED] and release the records to him with the appropriate information redacted in accordance with this letter. If you have any questions, please feel free to contact Sarah Kaplan at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Amalia Rioja by SRK

Amalia Rioja
Chief Deputy Public Access Counselor

cc:

