



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 22, 2011

Sherry Holms
Freedom of Information Act Officer
Macomb Police Department
120 S. McArthur St.
Macomb, IL 61455

RE: Pre-Authorization Request - 2011 PAC 12930

Dear Ms. Holms:

We have received and reviewed the written notice from the Macomb Police Department ("Department") of its intention to deny certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/1 et seq. as amended).

On March 9, 2011 Ashante Kwells-Bains submitted a FOIA request seeking a copy of Incident Reports for the address 1641 E. Wheeler Circle. In its March 11, 2011 written notice to the Office of the Public Access Counselor, the Department asserted that suspect names in the requested report, in addition to certain medical codes and statements made by complainant in medical reports are exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) which makes exempt 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." 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

The Department's use of the exemption in Section 7(1)(c) with regard to the names of the suspect in requested reports is approved.

The Department states that no arrests were made by the Department and this matter is now closed. As a result, disclosure of this information could be considered highly personal or

objectionable to the reasonable person and no legitimate public interest exists in the disclosure of the information.

The Department's use of the exemption in Section 7(1)(c) with regard to medical codes and certain medical related statements made by complainant is also approved. Disclosure of this information could be considered highly personal and objectionable to the reasonable person and there is no legitimate public interest in the disclosure of this information.

Accordingly, the Department has met its burden pursuant to Section 7(1)(c) and may withhold the requested information.

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

Sincerely,



Matthew C. Rogina
Assistant Public Access Counselor

cc: Ashante Wells Bains
Property Manager
1641 W. Wheeler Circle
Macomb, IL 61455

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