



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 21, 2011

Tpr. Kerry Sutton
Freedom of Information Act Officer
Illinois State Police
Kerry_Sutton@isp.state.il.us

RE: Pre-Authorization Request on 2011 PAC 12934

Dear Tpr. Sutton:

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

On March 4, 2011, [REDACTED] submitted a FOIA request seeking a copy of DNA/Ballistic reports from Case No. HS-213317/10CR0643401. In its March 15, 2011 written notice to the Office of the Public Access Counselor, the ISP asserted that the name of the victim and dates of birth are exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) which 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." 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

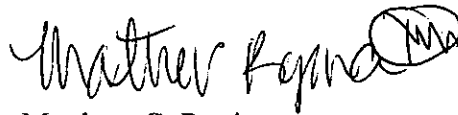
The ISP's use of the exemption in Section 7(1)(c) with regard to the date of birth and names of the victim is approved.

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.

Accordingly, the ISP has met its initial burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

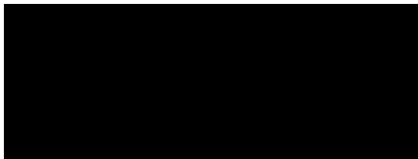
If you have any questions, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

A handwritten signature in cursive script that reads "Matthew Rogina". To the right of the signature is a circular stamp containing the initials "MR".

Matthew C. Rogina
Assistant Public Access Counselor

cc:



12934 preauth al 71c priv pd