



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 22, 2010

Ann Kavanaugh
Records Supervisor
Schaumburg Police Department
1000 W. Schaumburg Road
Schaumburg, Illinois 60194-4198

RE: Pre-Authorization Request — 2010 PAC 5754

Dear Ms. Kavanaugh:

We have received and reviewed the written notice from the Schaumburg 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.

Joseph A. Sorgani submitted a FOIA request dated February 1, 2010, seeking copies of the following police reports: from November, 2009: 09-28911, 09-30407, 09-29058, 09-29151, and 09-29276; and from December, 2009: 09-32964, 09-32965, 09-30991, 09-30999, 09-31013, 09-31540, 09-31550, 09-32776, and 09-32920. In its written notice, the Department asserted that certain information in these police reports is exempt from disclosure under Section 7(1)(c) of FOIA.

Determinations

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." 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.*

Reports numbered 09-32964 and 09-32965 have already been provided to Mr. Sorgani and are not the subject of this pre-authorization request.

Reports numbered 09-28911, 09-31540, 09-32776, 09-32920 and 09-31013: The Department intends to provide these reports with certain information redacted. In its written notice concerning these reports, the Department lined-through information it believed is exempt from disclosure pursuant to exemption 7(1)(c) and blacked out information pursuant to other exemptions not requiring pre-approval from this office.

Report number 09-28911:

The Department asserts that the lined-through information on lines 4 and 5 of page 3 of the continuation sheet in this report is exempt from disclosure pursuant to Section 7(1)(c). The Department's use of the exemption in Section 7(1)(c) with regard to this sentence is approved. This type of information is highly personal, and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

The Department's use of the exemption in Section 7(1)(c) with regard to the balance of the lined-through information in this report is denied. We have determined that the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c) because the proposed redactions contain only a general statement about the subject's injuries. 5 ILCS 140/7(1)(c). The Department has not met its burden of establishing a basis for redacting this information.

We note that you have deleted dates of birth in this document. The Department's use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. The disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). This type of information is highly personal, and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

Reports numbered 09-31540, 09-32776, 9-31013 and 09-32920:

The Department's use of the exemption in Section 7(1)(c) with regard to the subject's name and the fact of his prior arrest is denied because the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). The Department's use of the exemption in Section 7(1)(c) with regard to the remainder of the lined-through information in these reports is approved. This type of information is highly personal, and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

In accordance with this letter, the Department may issue a partial denial letter directly to Mr. Sorgani and release the records discussed above to him with the appropriate information redacted.

Reports numbered 09-31550, 09-30407, 09-29058, 09-29151, 09-29276, 09-30991 and 09-30999: The Department's use of the exemption in Section 7(1)(c) with regard to these seven police reports in their entirety is approved. We have determined that disclosure of these police reports would constitute a clearly unwarranted invasion of personal privacy. In addition, because the requester knows which residences were visited by police on specific dates, releasing the reports would disclose the identities of the people involved, even with all identifying information redacted. Some of these reports pertain primarily to the medical condition and treatment of an individual. Others set out the details of personal relationships. No arrests were made during these incidents. For these reasons, the subjects' right to privacy outweighs any legitimate public interest in disclosing this information. Accordingly, the Department has met its 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 the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Amalia Rioja
by EK
Amalia Rioja
Chief Deputy Public Access Counselor

cc: Joseph A. Sorgani
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