



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

June 22, 2010

Michael S. Recupito  
FOIA Officer  
Round Lake Police Department  
741 West Town Line Road  
Round Lake, Illinois 60073

RE: Pre-Authorization Request – 2010 PAC 8075  
Requester: [REDACTED]

Dear Mr. Recupito:

We have received and reviewed the written notice from the Round Lake Police Department (Police) of its intent to deny disclosure of certain information in a police report as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c). This letter is to advise you that your request is approved.

[REDACTED] submitted a FOIA request dated June 16, 2010, seeking police reports # 2009-001671 and 2010-000953. In its written notice, the Department asserted that dates of birth and information on suspects neither arrested or charged 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.*

**Determinations**

The Police’s use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. We have determined that the disclosure of this information would be highly objectionable to a reasonable person. The subjects’ right to privacy in these personal details outweighs any legitimate public interest in obtaining this information. Therefore, the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c).

The Police's use of the exemption in Section 7(1)(c) with regard to names of suspects never charged or arrested is also approved. We have determined that the disclosure of this information would be highly objectionable to a reasonable person. The individuals named in these reports were never arrested or charged. The subjects' right to privacy in these personal details outweighs any legitimate public interest in obtaining this information. Therefore, the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c).

Should you have questions or concerns, please call our office at 1-877-299-FOIA (3642). This letter shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:

  
Sara Gadola Gallagher  
Deputy Public Access Counselor