



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 23, 2010

P.O. Michael Kelly #15838
Assistant Freedom of Information Officer
Chicago Police Department
3510 S. Michigan Avenue
Chicago, Illinois 60653

RE: Pre-Authorization Request – 2010 PAC 8086

Dear Officer Kelly:

Thank you for providing the additional information we requested on July 14, 2010 in response to a written notice from the Chicago Police Department (Department) of its intention to deny certain records sought by [REDACTED] as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended (FOIA).

Pursuant to 5 ILCS 140/9.5(b), we asked that the Department provide us with an unredacted copy of the responsive documents containing the statements made by witnesses, which the Department intends to redact, along with a detailed factual basis of why disclosure of this specific information would constitute a clearly unwarranted invasion of personal privacy.

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.*

Determination

The Department’s proposed use of the personal privacy exemption found in Section 7(1)(c) to deny disclosure of statements made by the victim and a witness to law enforcement personnel is approved. The Department asserts that the release of certain “...statements made by an alleged rape/kidnapping victim [and witnesses] to investigating police officers constitutes an unwarranted invasion of personal privacy.” We have reviewed the statements provided by the Department and have determined that they are highly personal and the disclosure of these

statements would be objectionable to a reasonable person. Therefore, the disclosure of these statements would constitute an unwarranted invasion of personal privacy and thus is exempt under Section 7(1)(c) of FOIA.

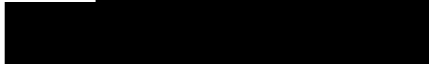
Accordingly, the Department may issue a partial denial letter and release the records with the victim and witness statements redacted.

If you have any questions, please feel free to contact me at (312) 814-1003. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: 


Jessica O'Leary
Assistant Attorney General

