



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 2, 2010

Lisa Weitekamp
Freedom of Information Officer
Illinois Department of Corrections
1301 Concordia Court
Springfield, Illinois 62794-9277

RE: Pre-Authorization Request — 2010 PAC 8116 8154

Dear Ms. Weitekamp:

We have received and reviewed the written notice from the Illinois Department of Corrections (IDOC) 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.

██████████ submitted a FOIA request dated June 11, 2010, seeking a copy of incident report #DC 434, written on October 5, 2009, regarding a violation of visiting rules at an IDOC facility. In its written notice, IDOC asserted that a third-party name is exempt from disclosure under Section 7(1)(c) of FOIA.

Determination

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.*

IDOC's use of the exemption in Section 7(1)(c) with regard to a third-party name is approved. We have determined that the disclosure of this name 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 by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. As such, IDOC may issue a partial denial letter directly to [REDACTED] and release the record to him with the appropriate information redacted.

If you have any questions, please feel free to contact me at (312) 814-5206. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: *Amalia Rioja*
Amalia Rioja *by EK*
Chief Deputy Public Access Counselor

cc:

