



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

August 26, 2010

Trooper Kerry Sutton
FOIA Officer
Illinois State Police
801 S. Seventh St., Suite 1000-S
PO Box 19461
Springfield, Illinois 62794

RE: Pre-Authorization Request – 2010 PAC 8278

Dear Trooper Sutton:

Thank you for providing the additional information we requested on July 13, 2010 in response to a written notice from the Illinois State Police (ISP) of its intention to deny certain records as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended (FOIA).

In a FOIA request submitted to ISP on June 16, 2010, [REDACTED] sought “[a]ny DNA evidence collected, analyzed, who it was examined to (sic) and the conclusion” regarding case 95-CF-1178. Pursuant to Section 9.5(b) of FOIA (5 ILCS 140/9.5(b)), we asked that ISP provide a detailed factual basis for asserting the personal privacy exemption in Section 7(1)(c) of FOIA to deny disclosure of the records sought by [REDACTED]. We also asked that ISP provide unredacted copies of the responsive records.

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.” 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.*

We have reviewed the documents provided by ISP and have determined that they consist of results and conclusions of DNA analyses. ISP advises that the requester has no legal relationship to the subject of the reports and that it informed [REDACTED] that the requested records would be

disclosed to her upon obtaining written consent from the subject. ISP further advises that [REDACTED] informed ISP on several occasions that she would submit written consent from the subject, but to date no consent has been provided.

ISP's proposed use of the exemption found in Section 7(1)(c) of FOIA to deny disclosure of the responsive records is approved. Results and conclusions regarding analyses of an individual's DNA is information that is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. Disclosure of such information would constitute a clearly unwarranted invasion of personal privacy and is thus exempt under Section 7(1)(c) of FOIA.

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:

[REDACTED]
Jessica O'Leary
Assistant Attorney General

cc:

[REDACTED]