



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

Lisa Madigan
ATTORNEY GENERAL

July 7, 2010

Trooper Kerry Sutton
Illinois State Police
801 South Seventh Street, Suite 1000-S
Springfield, Illinois 62794

RE: Pre-Authorization Request – 2010 PAC 8282
Requester: Beth Hundsdorfer on behalf of the Belleville News Democrat

Dear Trooper Sutton:

We have received and reviewed the written notice from Illinois State Police (ISP) of its intention to deny disclosure of certain information in investigatory files 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.

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

ISP’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).

ISP does not need to seek pre-authorization to redact home addresses or phone numbers of individuals, as that information is properly exempt from disclosure under Section 7(1)(b) of FOIA, as defined by Section 2(c-5) of FOIA. Section 7(1)(b) exempts from disclosure private information. The definition of “private information” in Section 2(c-5) includes home addresses and phone numbers. Public bodies must seek pre-authorization from our office only to assert the exemptions contained in Sections 7(1)(c) and 7(1)(f) of FOIA. As such, the ISP does not need

our pre-authorization to redact home addresses and phone numbers, and we decline to independently determine whether use of this exemption is appropriate in this case.

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:



Amalia Kroja
Chief Deputy Public Access Counselor

cc: Ms. Beth Hundsdorfer
Belleville News Democrat
Post Office Box 427
Belleville, Illinois 62220