



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 12, 2010

JoAnne R. Gumprecht
Barrington Hills Police Department
FOIA Officer
112 Algonquin Road
Barrington Hills, Illinois 60010

RE: Pre-Authorization Request – 2010 PAC 8316
Requester: Wendy Perez on behalf of Liberty Investigative Services

Dear Ms. Gumprecht:

We have received and reviewed the written notice from the Barrington Hills Police Department (Department) of its intention to deny disclosure of certain information in police reports 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 in part and denied in part.

Wendy Perez, on behalf of Liberty Investigative Services, filed a FOIA request with the Department on June 1, 2010, for all police reports regarding the following: [REDACTED] [REDACTED] [REDACTED] Barrington Hills; and [REDACTED], Hoffman Estates. Ms. Perez and the Department mutually agreed in writing to extend the date for response to June 30, 2010. Ms. Perez also agreed that her request did not include dates of birth. In its written notice, the Department asserted that the following are exempt from disclosure under Section 7(1)(c) of FOIA: specific details regarding domestic disputes; information describing the relationship between individuals in the reports; information identifying suspects neither arrested nor charged; descriptions of medical conditions and their symptoms; information regarding the transport or non-transport of individuals for medical treatment; the age of individuals; and the city where real property belonging to complainants is located.

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 Department's use of the exemption in Section 7(1)(c) is approved with regard to the following: specific details regarding domestic disputes; information describing the relationship between individuals in the reports; information identifying suspects neither arrested nor charged; and descriptions of medical conditions and their symptoms. 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 Department's use of the exemption in Section 7(1)(c), however, is denied with regard to the following: information regarding the transportation or refusal of individuals to obtain medical treatment; the age of individuals; and the city where real property belonging to complainants is located. The subjects' right to privacy in these personal details is slight, and does not outweigh any legitimate public interest in obtaining this information. Therefore, the disclosure of this information does not constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c).

Sections 7(1)(b) and 7(1)(d)(iv) of FOIA do not require pre-authorization. As such, the Department does not require our pre-authorization to redact private information, as defined by Section 2(c-5) of FOIA, or information that would unavoidably identify complainants. Accordingly, it is not necessary at this juncture to determine whether use of these exemptions 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 Rijoja
Chief Deputy Public Access Counselor

cc: Ms. Wendy Perez
Liberty Investigative Services
440 South Andrews Avenue
Fort Lauderdale, Florida 33301