



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

Lisa Madigan
ATTORNEY GENERAL

August 19, 2010

Christina Sayles
Southern Illinois University Carbondale
Budget Office, Anthony Hall
Room 15, Mail Code 4313
Carbondale, Illinois 62901

Re: Pre-Authorization Request – 2010 PAC 9084

Dear Ms. Sayles:

We have received and reviewed the written notice from Southern Illinois University Carbondale (University) of its intention to deny certain records as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 et seq., as amended.

George Pawlaczyk of the Belleville News-Democrat submitted a FOIA request on August 6, 2010 seeking reports by the University's Public Safety Department regarding "[i]nvestigations of all reported sex crimes on campus from Jan. 1, 2005 until the present."

In its written notice, the University asserts that disclosure of these reports would constitute a clearly unwarranted invasion of personal privacy and, therefore, the reports are exempt under Section 7(1)(c) of FOIA.

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 University's proposed application of Section 7(1)(c) to deny disclosure of the public safety reports is denied. Although we recognize that some information contained in these reports, such as victim's and witnesses' names, may be exempt from disclosure under Section 7(1)(c) of

FOIA, the fact that a document may contain some exempt information does not justify denying disclosure of the document in its entirety .

Section 7(1) of FOIA (5 ILCS 140/7(1)) provides, in part:

When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. ***The public body shall make the remaining information available for inspection and copying.*** (Emphasis added.)

For example, Section 2.15(a) of FOIA (5 ILCS 140/2.5(a)) requires that the following information be disclosed regarding any offenders who were arrested:

...(i) information that identifies the individual, including the name, age, address, and photograph, when and if available; (ii) information detailing any charges relating to the arrest; (iii) the time and location of the arrest; (iv) the name of the investigating or arresting law enforcement agency; (v) if the individual is incarcerated, the amount of any bail or bond; and (vi) if the individual is incarcerated, the time and date that the individual was received into, discharged from, or transferred from the arresting agency's custody.

In these circumstances, the University may submit a new pre-authorization request to the Office of the Public Access Counselor identifying the discreet information that it intends to redact under Section 7(1)(c), along with a detailed factual basis for asserting the exemption. If the University chooses to submit a new request, please provide both redacted and unredacted copies of the responsive documents, clearly identifying which exemption is being asserted for each redaction.

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

cc: George Pawlaczyk
Belleville News-Democrat
120 S. Illinois Street
Belleville, Illinois 62220