



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 13, 2010

Ann Kavanaugh
Freedom of Information Officer
Village of Schaumburg Police Department
1000 W. Schaumburg Road
Schaumburg, IL 60153

Re: Pre-authorization request – 2010 PAC 9509

Dear Ms. Kavanaugh:

We have received the Village of Schaumburg Police Department's notice of intention to redact information from Report #10-20217. [REDACTED] requested the report, which details the theft of her vehicle. The Department asserted that the names, addresses, phone numbers and dates of birth of five people listed as suspects are exempt under Section 7(1)(c) of the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* You confirmed in an e-mail today that none of the suspects were arrested or charged.

Information in public records is exempt if disclosure would "constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). An "[u]nwarranted invasion of personal privacy" is 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.*

The Department's request to redact the names, addresses, and phone numbers of the suspects is *approved*. We have concluded that the disclosure of the names and contact information of people suspected of crimes for which they were never arrested or charged would be highly objectionable to a reasonable person. We also have determined that birth dates are a highly personal form of information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). Under these circumstances, the suspects'

right to privacy outweighs any public interest in the information that the Department intends to redact from the report.

Therefore, the Department should directly issue a partial denial letter to [REDACTED] and release the report with the suspects' names, addresses, phone numbers and birth dates redacted. The Department intends to use the exemption in Section 7(1)(d)(iv) to redact additional information from Report #10-20217. We have not analyzed the use of that exemption because it does not require pre-approval from our office.

This letter shall serve to close this file. If you have any questions, please feel free to contact me at (312) 814-6756 or ssilverman@atg.state.il.us.

Sincerely,

Cara Smith
Public Access Counselor

[REDACTED]
Steve Silverman
Assistant Public Access Counselor

cc:

[REDACTED]

9509 pre-auth al 7(1)(c) sus priv pd