



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

Lisa Madigan
ATTORNEY GENERAL

September 20, 2010

Ms. Ann Kavanaugh
Schaumburg Police Department
1000 W. Schaumburg Road
Schaumburg, IL 60194

Re: Pre-Authorization Request – 2010 PAC 9577
FOIA Requester: [REDACTED]

Dear Ms. Kavanaugh:

We have received and reviewed the written notice from the Schaumburg Police Department (Department) of its intention to deny disclosure of dates of birth and a suspect's name in a police report for being exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

Subsection 7(1)(c) 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”. The exemption defines “unwarranted 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.”

The Department’s use of the subsection 7(1)(c) exemption with regard to dates of birth is **approved**. The information is highly personal by its very nature, and the subjects’ right to privacy with respect to this information outweighs any legitimate public interest in obtaining it. Thus, the information is exempt from disclosure under subsection 7(1)(c) of FOIA, as disclosure would constitute a clearly unwarranted invasion of personal privacy to the subjects of the information.

Further, the Department’s use of the subsection 7(1)(c) exemption with regard to the suspect’s name is also **approved**. The Department argues that because the suspect has neither been arrested, nor charged with any crime, the disclosure of the suspect’s name would be highly personal and objectionable to a reasonable person and that the subject’s right to privacy outweighs any legitimate public interest in obtaining the information. After reviewing the documents in question, we have determined that the suspect’s name may be withheld under Section 7(1)(c). Being named a suspect in connection with a crime is highly personal and releasing that information without an arrest or charges being brought would be objectionable to a reasonable person. At this point, the suspect’s right to privacy in this regard outweighs any legitimate public interest in obtaining the information.

Accordingly, the Department may redact the suspect's name and identifying information and release the remainder of the report in accordance with this letter.

Should you have questions or concerns, please feel free to contact Rebecca Riddick at (312) 814-2138. This correspondence shall serve to close this matter.

cc:



Sincerely,

Cara Smith
Public Access Counselor

A handwritten signature in black ink that reads "Amalia Rioja / RSK".

By: Amalia Rioja
Chief Deputy Public Access Counselor

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