



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 20, 2010

Benjamin Henning
Assistant State's Attorney
10 Public Square
Belleville, IL 62220

RE: Pre-Authorization Request – 2010 PAC 9619
Requesters: George Pawlaczyk and Beth Hundsdorfer

Dear Mr. Henning:

We have received and reviewed the notice from the St. Clair County Sheriff's Department (Department) of its intention to deny disclosure of certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. On August 24, 2010, the Department received a request from Mr. George Pawlaczyk and Ms. Beth Hundsdorfer of the Belleville News-Democrat for investigative reports of sex crimes from January 1, 2007 to July 1, 2010. This request was narrowed by oral agreement. In its written notice, the Department informed us of its intention to redact from the records to be provided victims' personal and medical information and the personal information of suspects who were not arrested or charged with a crime. In a telephone call on September 20, 2010, you specified that the information you plan to redact pursuant to Section 7(1)(c) of FOIA is: the names of crime victims; the names of the parents of crime victims; explicit details of sexual offenses; highly personal medical information; and the names of suspects who were not arrested or charged with any crime.

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 the 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) with regard to this information is approved.

We have determined that the disclosure of the names of victims and the names of the parents of victims could identify those victims, and this would constitute a clearly unwarranted invasion of personal privacy. The fact that one has been the victim of a sex crime is a highly personal matter, and the victim's right to privacy outweighs any legitimate public interest in obtaining his or her identity.

We have determined that the disclosure of explicit details of the sexual offense that a victim suffered and the related medical information would constitute a clearly unwarranted invasion of personal privacy. This information is highly personal, and its disclosure would be objectionable to a reasonable person. The victim's right to privacy outweighs any legitimate public interest in obtaining this information.

Finally, we have determined that the disclosure of the name of a suspect who was never arrested or charged with a crime would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). The fact that one has been investigated regarding the commission of a crime is highly personal, and the subjects' right to privacy outweighs any legitimate public interest in the disclosure of their identities.

Accordingly, the Department should send a partial denial letter directly to Mr. Pawlaczyk and Ms. Hundsdorfer and release the records to them with the appropriate information redacted as specified in this letter. If you have any questions, please feel free to contact Sarah Kaplan at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Amalia Rioja by SRK

Amalia Rioja
Chief Deputy Public Access Counselor

cc: George Pawlaczyk
Beth Hundsdorfer
Belleville News-Democrat
120 S. Illinois St.
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