



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 2, 2011

Curt Carver, FOIA Officer
Village of Inverness
1400 Baldwin Road
Inverness, IL 60067

RE: Pre-Authorization Request – 2011 PAC 12528

Dear Mr. Carver:

We have received and reviewed the written notice from the Village of Inverness of its intention to deny 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. The Village is seeking to withhold the requested document as it contains information highly personal in nature regarding the victim of the crime.

Kathleen Polach of the Township High School District 214 submitted a FOIA request on February 15, 2011 for a police report involving the arrest of [REDACTED]. In its written notice, the Village asserted that the information requested is exempt from disclosure under Section 7(1)(c) of FOIA.

Section 7(1)(c) of FOIA (5 ILCS 140/7(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, unless disclosure is consented to in writing by the individual subjects of the information.” 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 Village’s use of the exemption in Section 7(1)(c) to withhold the entire requested document is **denied**. We have determined that the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). The Village has not met its burden establishing a basis for withholding the report in its entirety.

However, The Village may use the 7(1)(c) exemption to redact portions of the report the release of which would constitute a clearly unwarranted invasion of personal privacy; portions of the narrative regarding a close relative of the subject of the report, which also identifies him as the victim of prior sexual abuse by the victim in the report; and the series of text messages between the subject and a juvenile that were obtained during the investigative process. We have concluded that the disclosure of this information would be highly objectionable to a reasonable person. Under these circumstances, the right to privacy outweighs any public interest in the information that the Village intends to redact from the report.

As such, the Village may issue a partial denial letter directly to the requestor and release the records in accordance with this letter.

If you have any questions, please feel free to contact Tammy Friedewald at (217) 558-1926. This correspondence shall serve to close this matter.

Sincerely,



Amanda M. Lundeen
Assistant Public Access Counselor

cc: Kathleen Polach
Township HS District #214
2121 S. Goebert Road
Arlington Heights, IL 60005

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