



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 29, 2011

Village of Downers Grove
Enza Petrarca, Village Attorney
Via email: epetrarca@downers.us

Re: Pre-authorization request – 2011 PAC 13056

Dear Ms. Petrarca:

We have received from the Village of Downers Grove a notice of intention to deny disclosure of certain information requested under the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. [REDACTED] requested any and all records related to a specific individual and a specific address. The Village requested pre-approval to redact the following information pursuant to Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)):

- The name of an alleged domestic battery victim in Incident Report No. 01-11-005336.
- Certain narrative portions of Incident Report No. 01-11-005336 and Incident Supplemental Report No. 01-11-005336.
- An arrested suspect's medical and mental state in a booking report and data intake sheet.
- The name of a witness and her statement in CAD Call Information No. 103560010.
- The narrative portion of Incident Report No. 01-11-005869.
- References to a woman's medical status in CAD Call Information No. 110760104 and 110640049.

Information in public records is exempt personal information 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.*

Determination

The Village's request to redact the name of an alleged domestic battery victim is **approved**. Such information is highly personal, and the alleged victim's right to privacy outweighs any legitimate interest in obtaining this information. Accordingly, we conclude that the Village has

sustained its initial burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c).

The Village's request to redact narrative portions from Incident Report No. 01-11-005336 and Incident Supplemental Report No. 01-11-005336 is **approved in part and denied in part**. The request to redact information regarding specific injuries suffered by the alleged victim, her statements to police and the identity of two witnesses is **approved**. Such information is highly personal, and the subjects' right to privacy outweighs any legitimate interest in obtaining this information. Further, we note that details in the statements could be used to identify the alleged victim. We conclude, therefore, that the Village has sustained its initial burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c).

The remaining requested redactions in these reports consist of statements by the arrested suspect and a witness. Such information is not within the scope of the Section 7(1)(c) exemption. Accordingly, we conclude that the Village has not sustained its initial burden of demonstrating that statements attributed to the suspect and a witness are exempt from disclosure under Section 7(1)(c).

The Village's request to redact information regarding an arrested suspect's medical condition and sobriety from the booking report and intake data sheet is **approved in part and denied in part**. Information regarding the suspect's medical condition is highly personal; the suspect's right to privacy outweighs any legitimate public interest in disclosing this information. However, references to the suspect's sobriety at the time of the arrest do not disclose a medical condition within the scope of the 7(1)(c) exemption. Accordingly, we conclude that the Village has sustained its initial burden of demonstrating that references to the suspect's medical condition are exempt from disclosure under Section 7(1)(c), but that the Village has not sustained its burden of demonstrating that references to the suspect's sobriety are exempt from disclosure.

The Village's request to redact the identity of a witness and her statement to police in CAD Call Information No. 103560010, and the narrative portion of Incident Report No. 01-11-005869 is **approved**. The reports in question pertain to domestic matters for which no individuals were arrested or charged. We determined in 2010 PAC 9935 that disclosure of such a report would constitute a clearly unwarranted invasion of personal privacy. Accordingly, we conclude that the Village has sustained its initial burden and may withhold the reports in their entirety under Section 7(1)(c).

The Village's request to redact information regarding a woman's medical status in CAD Call Information No. 110760104 and 110640049 is **approved**. The reports do not pertain to criminal investigations or accidents. Although the requested redactions do not identify a specific medical condition, we have determined that disclosure of such general information in this context would constitute a clearly unwarranted invasion of personal privacy. The woman's right to privacy outweighs any legitimate public interest in disclosure of the information. Accordingly, we conclude the Village has sustained its burden of demonstrating that the information is exempt from disclosure under Section 7(1)(c).

The Village has asserted that additional information is exempt from disclosure under Section 7(1)(b) (5 ILCS 140/7(1)(b)) and Section 7(1)(d)(iv) (5 ILCS 140/7(1)(d)(iv)). Because prior approval by the Public Access Counselor is not required for the assertion of exemptions other than Section 7(1)(c) (5 ILCS 140/7(1)(c)) and Section 7(1)(f), we make no determination at this time regarding the applicability of any other exemptions.

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,

[REDACTED]

Steve Silverman
Assistant Public Access Counselor

cc:

[REDACTED]