



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 25, 2011

Michael S. Recupito
Freedom of Information Officer
Round Lake Police Department
741 West Town Line Road
Round Lake, Illinois 60073

RE: Pre-Authorization Request — 2010 PAC 8256

Dear Mr. Recupito:

We have received and reviewed the written notice from the Round Lake Police Department (Department) of its intent 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.

LexisNexis submitted a FOIA request dated June 23, 2010, seeking incident report number 2010-0726. In its written notice, the Department asserted that dates of birth and incident report photographs are exempt from disclosure under Section 7(1)(c) of FOIA.

Determination

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 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.*

The Department's use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

March 25, 2011
Page 2

The Department's use of the exemption in Section 7(1)(c) with regard to the photographs is approved. The photographs in question are of a decedent and are graphic in nature. Based on the specific facts presented here, we find that the highly personal nature of these photographs outweighs any legitimate public interest in the disclosure of this information.

As such, the Department may issue a partial denial letter directly to LexisNexis and release the records with the appropriate information redacted.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Rebecca Riddick by: AA

Rebecca Riddick
Assistant Public Access Counselor

cc: LexisNexis
P.O. Box 7000
Southeastern, PA 19398

8256 preauth 71c vic priv dob pd