

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 29, 2010

Ms. Sherry Holmes
FOIA Officer
Macomb Police Department
120 S. McArthur St.
Macomb, IL 61455

Re: Pre-Authorization Request – 2010 PAC 9574
FOIA Requester: [REDACTED]

Dear Ms. Holmes:

We have received and reviewed the written notice from the Macomb Police Department (Department) of its intention to deny disclosure of certain statements made by suspects/witnesses 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.

Section 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 Section 7(1)(c) exemption with regard to the statements in question is **approved in part**. The Department states that because the suspects were never arrested, the release of their statements and any identifying information would be highly personal and objectionable to a reasonable person and that the subjects’ right to privacy outweighs any legitimate public interest in obtaining the information. After reviewing the documents in question, we have determined that the suspects’ names and their identifying information 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 suspects’ right to privacy in this regard outweighs any legitimate public interest in obtaining the information.

The Department’s use of the Section 7(1)(c) exemption with regard to a redaction pertaining to treatment at [REDACTED] that appears on page 2 of the report is approved. After reviewing the redacted information, we have determined that this information is highly personal and the subject’s

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privacy interest outweighs any legitimate public interest in obtaining the information. Therefore, releasing that information would constitute an unwarranted invasion of personal privacy.

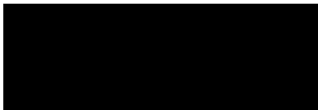
However, the Department's request to withhold the entire statements provided by the suspects/witnesses is denied. Once the identifying information has been redacted from these statements, release of the statements alone does not constitute an unwarranted invasion of personal privacy.

Accordingly, the Department may redact the suspects' name and identifying information, and the redacted information on page 2, but should 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.

Sincerely,

cc:



Cara Smith
Public Access Counselor

A handwritten signature in cursive script that reads "Amalia Rioja /RSR".

By: Amalia Rioja
Chief Deputy Public Access Counselor