



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 29, 2010

Michael S. Recupito
Director of Police Administration
Round Lake Police Department
741 West Town Line Road
Round Lake, IL 60073

RE: Pre-Authorization Request – 2010 PAC 9753
Requester: [REDACTED]

Dear Mr. Recupito:

We have received and reviewed the written notice from the Round Lake Police 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 September 14, 2010, [REDACTED] requested police reports relating to an incident at [REDACTED] on September 10, 2010. In response, the Department asserted that dates of birth and the name of the detainee's emergency contact and that person's relationship to the detainee are exempt from disclosure under Section 7(1)(c) of FOIA.

Determinations

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 the month and day portions of 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). This type of information is highly personal, and the subject's right to privacy outweighs any

legitimate public interest in disclosing this information. However, the Department must release the year of birth. The only date of birth that appears in this report belongs to the detainee. Under Section 2.15 of FOIA, the Department must release the age of any person who was arrested. 5 ILCS 140/2.15. Therefore, the Department may redact the month and day of birth, but not the year.

The Department's use of the exemption in Section 7(1)(c) with regard to the name of the detainee's emergency contact and that person's relationship to the detainee is approved. The disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. The subject's right to privacy in his or her relationship to a person who was detained outweighs any legitimate public interest in obtaining this information.

Accordingly, the Department should issue a partial denial letter directly to [REDACTED] and release the report to her with the appropriate information redacted. 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,

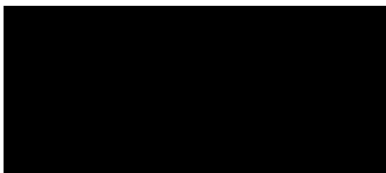
Cara Smith
Public Access Counselor

By:

Amalia Rioja by SRK

Amalia Rioja
Chief Deputy Public Access Counselor

cc:



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