



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 4, 2011

Donna Ludvik, #208
Freedom of Information Officer
River Forest Police Department
400 Park Avenue
River Forest, IL 60305

RE: Pre-Authorization Request - 2011 PAC 13141

Dear Ms. Ludvik:

We have received and reviewed the written notice from River Forest Police Department of its intention to deny disclosure of certain information pursuant to the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

On March 15, 2011, the Department received a FOIA request from [REDACTED] in which she sought copies of police arrest records for incidents that occurred on the campus of Concordia University Chicago for the past three years. In its written notice, the Department asserts that certain portions of the reports have been redacted pursuant to Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)).

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." *Id.* 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." *Id.*

The Department's use of the Section 7(1)(c) exemption with regards to the redactions contained in the narrative portion of the reports is denied. Based on a thorough review of the records, we have determined that the release of the withheld portions of the reports would not constitute a clearly unwarranted invasion of personal privacy because this information pertains to the incidents and/or charges for which the suspects were arrested. Thus, the Department has not met its burden of establishing that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

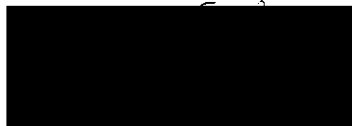
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Nonetheless, we have determined that the Department may use the Section 7(1)(c) exemption to withhold dates of birth and identities of the victim(s) and other individuals referenced in the requested reports. A date of birth is highly personal information, and an individual's right to privacy with respect to his date of birth generally outweighs any legitimate public interest in obtaining it. Thus, disclosure of the dates of birth would constitute a clearly unwarranted invasion of personal privacy to the individuals. In addition, the disclosure of the identities of the victim(s) and individuals other than those who were arrested or charged with respect to the incidents would constitute a clearly unwarranted invasion of personal privacy.

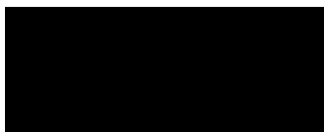
If you have any questions, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,



Tola Sobitan
Assistant Public Access Counselor

cc:



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