



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 5, 2011

Ann Kavanaugh
Freedom of Information Act Officer
Village of Schaumburg Police Department
akavanaugh@ci.schaumburg.il.us

RE: Pre-Authorization Request - 2011 PAC 13315

Dear Ms. Kavanaugh:

We have received and reviewed the written notice from the Village of Schaumburg Police Department ("Department") of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

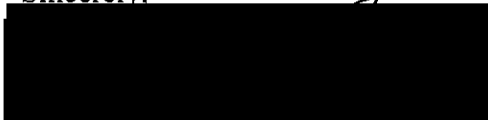
On March 29, 2011, [REDACTED] submitted a FOIA request seeking a copy of Police Report No. 11-4092. In its April 1, 2011, written notice to the Office of the Public Access Counselor, the Department asserted that dates of birth, prescriptions, and names of persons not involved in the crime are exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) which 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." 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."

Determination

The Department's use of the exemption in Section 7(1)(c) with regard to dates of birth, prescriptions, names of individuals not involved in the crime is approved. 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. As such, the Department may issue a partial denial letter directly to the requestor and release the records with the appropriate information redacted if it has not already done so.

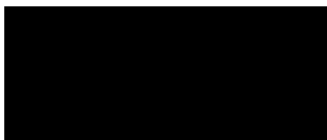
If you have any questions, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

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Matthew C. Rogina
Assistant Public Access Counselor

cc:

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13305 preauth at 71c dob pd