



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 30, 2010

Denise E. Wills
FOIA Department
Huntley Police Department
10911 Main Street
Huntley, Illinois 60142

RE: Pre-Authorization Request — 2010 PAC 9117
Requester: Amy Essig, Sun City Community Association

Dear Ms. Wills:

We have received and reviewed the written notice from the Huntley 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.

Amy Essig from the Sun City Community Association submitted a FOIA request dated July 30, 2010, in which she sought copies of reports relating to a certain address on Wilshire Way from March 1, 2010 to July 30, 2010. In its written notice, the Department asserted that dates of birth and the narrative portions of the two responsive reports (#10-05835 and #10-07333) 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." 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 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.

The Department's use of the exemption in Section 7(1)(c) with regard to the narrative portions of the two reports is also approved. We have determined that disclosure of these narratives would constitute a clearly unwarranted invasion of personal privacy because they pertain to sensitive matters, and no arrests occurred. The subjects' right to privacy in this information outweighs any legitimate public interest in disclosure. Thus, the Department has met its initial burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

Accordingly, the Department may issue a partial denial letter directly to Ms. Essig and release the records to her 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,

Cara Smith
Public Access Counselor

By:

Amalia Rioja
by EK
Amalia Rioja
Chief Deputy Public Access Counselor

cc: Amy Essig
Sun City Community Association
12880 Del Webb Blvd.
Huntley, Illinois 60142