



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

April 7, 2011

Village of Downers Grove  
Beth Janicki Clark  
Assistant Village Attorney & FOIA Officer  
801 Burlington Avenue  
Downers Grove, IL 60515

Re: Request for Review – 2010 PAC 13187

Dear Ms. Janicki Clark:

We have received from the Village of Downers Grove a notice of intention to deny disclosure of certain information requested under the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. [REDACTED] requested records regarding two specific police reports. The Village requested pre-authorization to redact the narratives of Report No. 01-10-007523 and CAD Call No. 101860009.

Information in public records is exempt personal information if disclosure would “constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information.” 5 ILCS 140/7(1)(c). An “[u]nwarranted invasion of personal privacy” is 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.*

**Determination**

The Village’s request to redact the narrative of Report No. 01-10-007523 is **approved in part and denied in part**. We have reviewed an un-redacted copy of the narrative, which pertains to an investigation that resulted in the arrest of an individual by another agency. The narrative contains statements by the alleged victim regarding highly personal matters. The alleged victim’s right to privacy outweighs any legitimate public interest in obtaining that information. However, the narrative contains additional information regarding the investigation and the arrest of the suspect. The disclosure of that information would not constitute a highly unwarranted invasion of personal privacy. Accordingly, we conclude that the Village has sustained its initial

burden of demonstrating that the alleged victim's statements are exempt from disclosure under Section 7(1)(c); we conclude that the Village has failed to sustain its initial burden of demonstrating that the remaining information in the narrative is exempt from disclosure under Section 7(1)(c).

The Village's request to redact the narrative in CAD Call No. 101860009 is **approved**. The narrative pertains to a highly personal matter and an allegation which did not result in an arrest or charges. The privacy rights of the alleged victim as well as the un-arrested suspect outweigh any legitimate public interest in obtaining that information. Accordingly, we conclude that the Village has sustained its initial burden of demonstrating that the narrative is exempt from disclosure in its entirety.

Although the Village did not request pre-authorization to redact the names of the alleged victim and witnesses in Report No. 01-10-007523 and the name of the alleged victim and un-arrested suspect in CAD Call No. 101860009, we note that those names also are exempt from disclosure under Section 7(1)(c). Information identifying an individual as a witness, un-arrested suspect or victim of an alleged crime is highly personal by its very nature. The subjects' right to privacy outweighs any legitimate public interest in disclosure of such information. Therefore, these names may also be redacted.

The Village indicated that it intends to redact additional information from the records pursuant to Section 7(1)(b) (5 ILCS 140/7(1)(b)) and Section 7(1)(d)(iv) (5 ILCS 140/7(1)(d)(iv)). Because advance approval by the Public Access Counselor is not required for the assertion of exemptions other than Section 7(1)(c) and Section 7(1)(f) (5 ILCS 140/7(1)(f)), we make no determination at this time regarding the applicability of any other exemptions.

This letter shall serve to close this file. If you have any questions, please feel free to contact me at (312) 814-6756 or [ssilverman@atg.state.il.us](mailto:ssilverman@atg.state.il.us).

Sincerely,

  
Steve Silverman  
Assistant Public Access Counselor

cc:

