



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 8, 2011

Jay R. Groves, FOIA Officer
Illinois State University
Campus Box 1000
Normal, IL 61790-1000

RE: Pre-Authorization Request – 2011 PAC 13261

Dear Mr. Groves:

We have received and reviewed the written notice from Illinois State University (ISU) of its intention to deny certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended (FOIA). ISU is seeking to redact dates of birth, the names of possible suspects who were not arrested or charged from the requested documents and the race and other physically identifying information of individuals named in the police report.

[REDACTED] submitted a FOIA request for a report regarding her daughter [REDACTED]. In its written notice, ISU asserted that the dates of birth, physically identifying information and the names of possible suspects are exempt from disclosure under Section 7(1)(c) of FOIA.

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.*

Determination

ISU’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. 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.

ISU's use of the exemption in Section 7(1)(c) with regard to redacting a suspect's name is approved. We have concluded that the disclosure of the names and contact information of people suspected of crimes for which they were never arrested or charged would be highly objectionable to a reasonable person. Under these circumstances, the suspect's right to privacy outweighs any public interest in the information that ISU intends to redact from the report.

Additionally, ISU's use of the exemption in Section 7(1)(c) with regard to redacting physically identifying information, such as race, of witnesses and suspects is approved. The nature of the crime is highly personal and the individuals' rights to privacy here outweigh the interest of the public in accessing the information.

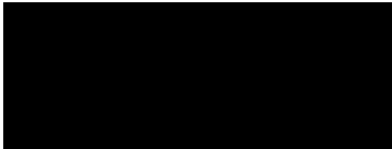
Therefore, ISU has met its burden in establishing that Section 7(1)(c) shields the aforementioned information from disclosure. If you have any questions, please feel free to contact Tammy Friedewald at (217) 558-1926. This correspondence shall serve to close this matter.

Sincerely,



Amanda M. Lundeen
Assistant Public Access Counselor

cc:



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