



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

April 7, 2011

Ms. Denise Wills  
FOIA Officer  
Village of Huntley Police Department  
10911 Main Street  
Huntley, IL 60142

Re: Pre-Authorization Request – 2011 PAC 13289  
FOIA Requester: [REDACTED]

Dear Ms. Wills:

We have received and reviewed the written notice from the Village of Huntley Police Department of its intention to deny disclosure of names and personal information in a police report for being exempt from disclosure under subsection 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

On March 24, 2011, [REDACTED] submitted a FOIA request to the Department for the police report in case # 11-02053. On April 1, 2011, the Department sought our office's approval to redact names and personal information from the report using the exemption in Section 7(1)(f) of FOIA. The Department argues that the redacted portions were preliminary, unsubstantiated information as the reporting officer mistakenly recorded the wrong address in the report, leading him to identify the wrong suspects in the matter.

**Determination**

Section 7(1)(f) of FOIA exempts from inspection and copying "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body."

The Department's use of the Section 7(1)(f) exemption for the withheld information is **denied**. The documents in question are not preliminary drafts and the proposed redactions are part of the report narrative. Therefore, this information is not covered by the Section 7(1)(f) exemption.

However, the Department's use of the Section 7(1)(c) exemption to withhold the requested information is **approved**.

13289 dl al 71f71c sus priv pd

Section 7(1)(c) 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”. 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.”

The Department explains that the names and personal information contained in the report is the result of an incorrectly recorded address and that the individuals named had no connection to the case. After reviewing the documents in question, we have determined that the release of this information would be highly personal and objectionable to a reasonable person. The subjects’ right to privacy outweighs any legitimate public interest in obtaining the information. Being named a suspect in connection with a crime is highly personal and releasing that information without an arrest or charges being brought would be objectionable to a reasonable person. Therefore, the Department may redact this information under the Section 7(1)(c) exemption.

Should you have questions or concerns, please feel free to contact our office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

A large black rectangular redaction box covering the signature of Rebecca Riddick.

Rebecca Riddick  
Assistant Public Access Counselor

cc:

A black rectangular redaction box covering the list of recipients for the carbon copy (cc).