



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 14, 2011

Theresa Wisnewski
Wheeling Police Department
1 Community Blvd.
Wheeling, IL 60090-2676

RE: Pre-Authorization Request – 2011 PAC 13299

Dear Ms. Wisnewski:

We have received and reviewed the written notice from the Wheeling Police Department (Department) 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). The Department is seeking to redact dates of birth, names of possible suspects who were not arrested or charged from the requested documents, names of victims and injuries sustained by all parties. In addition, the Department is seeking to redact private information, such as addresses and telephone numbers.

██████████ submitted a FOIA request for a report regarding domestic disputes at Building ██████████. In its written notice, the Department asserted that the dates of birth, names of possible suspects who were not arrested or charged from the requested documents, names of victims, injuries sustained by all parties, addresses and telephone numbers are exempt from disclosure under Section 7(1)(c).

In order to resolve this matter, however, it is not necessary to determine whether personal addresses and telephone numbers are generally proper for redaction under Section 7(1)(c). Rather, such information is exempt from disclosure under Section 7(1)(b), which allows withholding of private information as defined in Section 2(c-5) of the Act.

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

The Department's use of the exemption in Section 7(1)(c) with regard to the dates of birth and the victim's name is approved. We have determined that the disclosure of dates of birth and the victim's name 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.

The Department'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 the Department intends to redact from the report.

However, the Department's use of the exemption in Section 7(1)(c) with regard to injuries sustained by all parties is denied. The descriptions of the injuries suffered by persons referenced in the reports are generic and do not disclose medical diagnoses associated with the injuries, details of medical treatment or other protected information. Accordingly, we have determined that in these circumstances the disclosure of the descriptions would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). The Department has not met its burden establishing a basis for redacting this type of information.

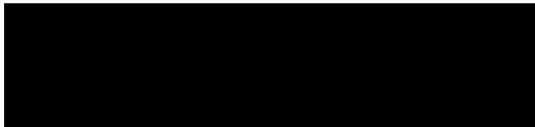
If you have any questions, please feel free to contact Tammy Friedewald at (217) 558-1926. This correspondence shall serve to close this matter.

Sincerely,



Amanda M. Lundeen
Assistant Public Access Counselor

cc:



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