



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 14, 2011

Via Electronic Mail

Robert Legg, FOIA Officer
Roselle Police Department
RLegg@roselle.il.us

RE: Pre-Authorization Request – 2011 PAC 13343

Dear Mr. Legg:

We have received and reviewed the written notice from the Roselle 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).

██████████ submitted a FOIA request on March 25, 2011 for police report #2011-005292. In its written notice, the Department asserted that dates of birth and portions of the narrative 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

The Department proposes to redact sections of the narrative in report #2011-005292 regarding an individual’s medical and sexual history. The Department’s use of the exemption in Section 7(1)(c) with regard to these portions of the narrative is **approved**. We have determined that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c) of FOIA. Disclosure of this information in the narrative would be objectionable to a reasonable person. The subject’s right to privacy outweighs any legitimate public interest in obtaining this information.

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. 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.

Accordingly, the Department may issue a partial denial letter and release the report with the appropriate information redacted, if it has not already done so.

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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