



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

April 18, 2011

Trooper Kerry Sutton  
Illinois State Police  
801 S. Seventh Street, Suite 1000-S  
P.O. Box 19461  
Springfield, Illinois

Re: Pre-Authorization Request – 2011 PAC 13495  
FOIA Requester: [REDACTED]

Dear Trooper Sutton:

We have received and reviewed the written notice from the Illinois State Police (ISP) of its intention to deny disclosure of dates of birth and DNA profile information in requested records as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

On March 11, 2011, [REDACTED] submitted a FOIA request to ISP for “[a]ll police reports, investigative reports, witness and victim statements, log book and notebook entries, Sprint and 911 tapes/transcripts, photographs, both crime scene and pedigree, booking sheets, pedigree information, bail sheets, charging instruments with supporting documents, and a Master Indice [sic].”

On April 11, 2011, ISP sought our office’s approval to withhold dates of birth and DNA profile information contained within the responsive documents using the exemption in Section 7(1)(c).

**Determination**

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.”

ISP’s use of the Section 7(1)(c) exemption with regard to dates of birth is **approved**. The information is highly personal by its very nature, and the subjects’ right to privacy with respect to this information outweighs any legitimate public interest in obtaining it. Thus, the information is exempt from disclosure under Section 7(1)(c) of FOIA, as disclosure would constitute a clearly unwarranted invasion of personal privacy to the subjects of the information.

Additionally, after review of the provided materials, ISP’s use of the Section 7(1)(c) exemption with respect to DNA profile information is approved. The DNA profile information includes a DNA match for

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an individual who is not the requester and who is not listed as a suspect or victim in the report. We agree that the DNA profile information contained within this record is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. Therefore, ISP has met its initial burden demonstrating that the withheld information is exempt under Section 7(1)(c).

As such, ISP should issue a partial denial letter directly to the FOIA requester in accordance with this letter. Should you have questions or concerns, please feel free to contact our office at 1-877-299-3642. This correspondence shall serve to close this matter.

Sincerely,

A large black rectangular redaction box covering the signature of the sender.

Rebecca Riddick  
Assistant Public Access Counselor

cc:

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