



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 14, 2010

Robert Burden
FOIA Officer
City of Loves Park
100 Heart Boulevard
Loves Park, Illinois 61111

RE: Pre-Authorization Request – 2010 PAC 9932

Dear Mr. Burden:

We have received and reviewed the written notice from the City of Loves Park (City) of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

██████████ submitted a FOIA request dated September 24, 2010, seeking a copy of a police report concerning an event that occurred at her child's school. In its written notice, the City asserted that dates of birth, signatures, ages, witness, suspect and other names, addresses and phone numbers are exempt from disclosure under Section 7(1)(c) of FOIA.

Determination

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." 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.*

The City's use of the exemption in Section 7(1)(c) with regard to dates of birth and signatures is

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approved. We have determined that the disclosure of dates of birth and signatures would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). 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 City's use of the exemption in Section 7(1)(c) to withhold the ages of individuals in the requested records is denied. We have determined that the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). The City has not met its burden establishing a basis for redacting this type of information.

Finally, the City's use of Section 7(1)(c) to withhold witness names, suspect names and other names is approved. We have determined that disclosure of these names would constitute a clearly unwarranted invasion of privacy because the report pertains to a sensitive matter in which no arrest occurred. 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 City has met its burden of demonstrating that these names are exempt from disclosure under Section 7(1)(c) of FOIA. As such, the City may issue a partial denial letter directly to the requester and release the records to her with the appropriate information redacted.

Please note that home phone numbers and home addresses may be redacted as "private information" under Section 7(1)(b), which does not require pre-authorization from our office.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Amalia Rioja *dy EK*
Amalia Rioja
Chief Deputy Public Access Counselor

cc:

