



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 26, 2011

Sgt. Shannon Swearingen
East Peoria Police Department
201 W. Washington Street
East Peoria, IL 61611

RE: Pre-Authorization Request – 2011 PAC 13429

Dear Sgt. Swearingen:

We have received and reviewed the written notice from the East Peoria Police Department (Department) of its intention to deny certain information as exempt under the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA). [REDACTED] requested records regarding an incident concerning her son and a specified individual, neither of whom was arrested. The Department has requested a pre-authorization to withhold the record pursuant to Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)).

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.*

The Department’s request to withhold the record pursuant to Section 7(1)(c) is approved. The Department has confirmed that no individuals were arrested or charged in connection with the incident documented in the record. We have reviewed a copy of the record, which contain information that is highly personal by its very nature. The subjects’ right to privacy outweighs any legitimate public interest in the disclosure of this type of information. Accordingly, we conclude that the Department has sustained its initial burden of demonstrating that the record is exempt from disclosure under Section 7(1)(c).

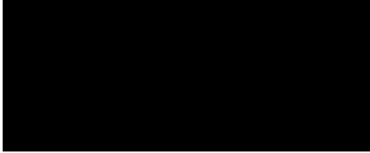
If you have any questions, please feel free to contact Tammy Friedewald at (217) 558-1926.
This correspondence shall serve to close this matter.

Sincerely,

Amanda Lundeen
JAF

Amanda M. Lundeen
Assistant Public Access Counselor

cc:



13429 preauth al 71c doc priv pd