



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 26, 2011

Patti Taves
Records Supervisor
Village of Glen Ellyn Police Department
Via email: ptaves@glenellyn.org

Re: Pre-authorization request – 2011 PAC 13657

Dear Ms. Taves:

We have received from the Village of Glen Ellyn a notice of intention to deny disclosure of certain information requested under the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. [REDACTED] requested records regarding Ticket #100216005497 and Case No. 2010CM000751. The Village requested pre-authorization to redact certain narrative portions of a police report and the names, addresses and birth dates of the alleged victims and an individual who provided information to police pursuant to section 7(1)(c) of FOIA. 5 ILCS 140/7(1)(c).

Determination

Information in public records is exempt if disclosure would “constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information.” 5 ILCS 140/7(1)(c). An “[u]nwarranted invasion of personal privacy” is 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 Village’s request to redact birth dates is **approved**. Birth dates are a highly personal form of information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. A subject’s right to privacy outweighs any legitimate public interest in the disclosure of his or her date of birth. Accordingly, the Village has sustained its initial burden of demonstrating that such information is exempt from disclosure under section 7(1)(c).

The Village’s request to redact the names of the alleged victims also is **approved**. Information which reveals the identity of alleged victims of a crime is highly personal. The alleged victims’ right to privacy outweighs any legitimate interest in obtaining this information. Accordingly, we conclude that the Village has sustained its initial burden of demonstrating that the names of the alleged victims are exempt from disclosure under section 7(1)(c).

The Village's request to redact narrative portions of the report which document information that a police officer furnished to the alleged victims and another individual is **denied**. The "disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy." 5 ILCS 140/7(1)(c). The information furnished by the police officer bears on the officer's official duties. Accordingly, we conclude that the Village has not sustained its initial burden of demonstrating that this information is exempt under section 7(1)(c).

The Village's request to redact additional narrative portions of the report is **approved**. We have reviewed an un-redacted copy of the report and determined that the redacted information is highly personal by its very nature. The subjects' right to privacy outweighs any legitimate public interest in disclosure of such information. Accordingly, we conclude that the Village has sustained its initial burden of demonstrating that these narrative portions of the report are exempt from disclosure under section 7(1)(c).

It is not necessary for the Public Access Counselor (PAC) to determine whether the Village may redact the name of an individual who provided information to police. That name falls within the scope of section 7(1)(d)(iv) of FOIA, which exempts information to the extent that disclosure would "unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information" to law enforcement officials. 5 ILCS 140/7(1)(d)(iv). With respect to the Village's request to redact home addresses, section 7(1)(b) ((5 ILCS 140/7(1)(b)) exempts from disclosure "private information," which by definition includes home addresses. 5 ILCS 140/2(c-5). The Village does not require prior approval from PAC to redact information pursuant to section 7(1)(b) and section 7(1)(d)(iv). See 5 ILCS 140/9.5(b).

This letter shall serve to close this matter. If you have any questions, please contact me at 312-814-6756.

Sincerely,



Steve Silverman
Assistant Public Access Counselor

cc: Daniel Meister
1926 Main St.
Wheaton, IL 60187