



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 25, 2010

Michael Recupito
Director of Police Administration
Round Lake Police Department
741 West Town Line Road
Round Lake, IL 60073

RE: Pre-Authorization Request – 2010 PAC 10235
Requester: [REDACTED]

Dear Mr. Recupito:

We have received and reviewed the written notice from the Round Lake Police Department (Department) of its intention to deny disclosure of certain information 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 October 7, 2010, [REDACTED] submitted a FOIA request to the Department for reports of all break-ins at a certain specific residential development. That request was narrowed by agreement to include only incidents in 2010. In its written notice, the Department asserts that certain information in those reports is exempt from disclosure under 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.” 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.”

Dates of Birth

The Department proposes to deny disclosure of dates of birth in all of the responsive records (but not the year of birth of the arrestee). The Department’s use of the exemption in Section 7(1)(c) with regard to these dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c) of FOIA. This type of information is highly personal, and the subject’s right to privacy outweighs any legitimate public interest in obtaining this information.

Narrative Portion of Report 2010-000108

The Department proposes to redact a short portion of the narrative of report 2010-000108. The Department's use of the exemption in Section 7(1)(c) with regard to this portion 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. This portion of the narrative contains information about the victim, the disclosure of which would be objectionable to a reasonable person. The subject's right to privacy outweighs any legitimate public interest in obtaining this information.

Photographs of Interior of the Victim's Residence

The Department proposes to deny disclosure of photographs of the interior of the victim's residence after a residential burglary. The Department's use of the exemption in Section 7(1)(c) with regard to these photographs 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. Given that the request was for reports of burglaries within a specific residential development, the photographs could reveal the location of the incident and the identity of the victim, even with the victim's identifying information redacted. Therefore, this information is highly personal, and a reasonable person would object to its disclosure. The subject's right to privacy outweighs any legitimate public interest in obtaining these photographs.

List of Personal Property in Reports 2010-000114 and 2010-001800

The Department proposes to deny disclosure of a list of personal property within the victim's residence in each of these reports. The Department's use of the exemption in Section 7(1)(c) with regard to this information is approved. We have determined that disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c) of FOIA. This information is highly personal, and a reasonable person would object to the disclosure of this information because disclosure could increase the subjects' likelihood of being victimized again. The subjects' right to privacy outweighs any legitimate public interest in obtaining this information.

Driver's License Photograph

The Department proposes to deny disclosure of a driver's license photograph. The Department's use of the exemption in Section 7(1)(c) with regard to this driver's license photograph is denied. Because a driver's license photograph depicts how the subject appears in public, individuals have little expectation of privacy in their driver's license photographs. Thus, the Department has not met its burden of showing that this driver's license photograph is exempt from disclosure under Section 7(1)(c) of FOIA. Accordingly, the Department should release this photograph unless it is exempt under another exemption in Section 7 of FOIA.

Line-up Names and Photographs

The Department proposes to deny disclosure of the names and photographs of "filler" persons from the photographic line-up, that is, persons other than the arrestee. The Department's use of the exemption in Section 7(1)(c) with regard to this information is approved. These persons were selected because of their likeness to the suspect and had no other involvement in the case. Because appearance in a line-up could nevertheless reflect poorly on these individuals, the disclosure of this information would be objectionable to a reasonable person. The subjects' right to privacy outweighs any legitimate public interest in obtaining this information.

Detainee's Emergency Contact Name and Relationship

The Department proposes to deny disclosure of the name of the detainee's emergency contact and that person's relationship to the detainee. The Department's use of the exemption in Section 7(1)(c) with regard to this information is approved. We have determined that disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c) of FOIA. The contact person's identity and relationship to an individual who was arrested for residential burglary is highly personal, and the subject's right to privacy outweighs any legitimate public interest in obtaining the information.

Names of Crime Victims

The Department proposes to deny disclosure of the names of crime victims. The Department's use of the exemption in Section 7(1)(c) with regard to this information is approved. We have determined that disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c) of FOIA. The fact that one has been the victim of a crime is highly personal, and the subject's right to privacy outweighs any legitimate public interest in obtaining this information.

The Department should issue a partial denial letter directly to [REDACTED] and released the reports to him with the appropriate information redacted in accordance with this letter.

If you have any questions, please feel free to contact Sarah Kaplan at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Amalia Rioja by SRK
Amalia Rioja
Chief Deputy Public Access Counselor

cc:

