



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

October 25, 2010

Trooper Kerry Sutton
801 S. Seventh Street
Suite 1000-S
P.O. Box 19461
Springfield, IL 62794

RE: Pre-Authorization Request - 2010-PAC-10254
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 certain requested records in their entirety under Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

On August 16, 2010, [REDACTED] submitted a FOIA request for 25 different sets of records with ISP. On October 19, 2010, ISP sought our office's approval to withhold the twenty sets of requested documents pursuant to the Section 7(1)(c), which 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."¹

¹ According to correspondence supplied to this Office, ISP received [REDACTED] FOIA request on August 19, 2010. ISP submitted its Pre-Authorization Notice on October 19, 2010. Any subsequent failure by ISP to strictly comply with the pre-approval process set out in Section 9.5(b) may result in the Public Access Counselor's denial of asserted exemptions.

10254 al dl 71c sus priv pd

Determination

ISP's request for approval to withhold the documents in their entirety pursuant to of the Section 7(1)(c) is denied.

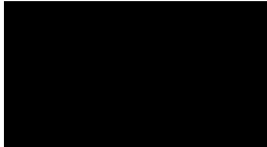
ISP argues, in conclusory fashion, that the requested documents pertain to "investigations into illegal activities of the El Rukns (sic) gang and other gang activities" and that ██████████ "seeks information pertaining to individuals to whom he has no relation." In its Pre-Authorization Notice to this Office, ISP explains that Items 6-25 of ██████████ request contain personal information pertaining to individuals that are unrelated to ██████████. ISP has not made a similar assertion for Items 1-5 – documents which relate to ██████████. Therefore, ISP has not met its burden that the requested document may be withheld in their entirety pursuant to Section 7(1)(c). ISP may redact the names of the individuals contained in Items 6-25 provided that none of the documents are arrest reports, which ISP is required to produce under 2.15 of FOIA. ISP is obligated to furnish Items 1-5 to ██████████ as information relating to the requester cannot constitute an unwarranted invasion of personal privacy under Section 7(1)(c).

ISP may make the necessary redactions subject to Section 7(1)(b). This Office declines to address the applicability of Section 7(1)(d)(v) at this time.

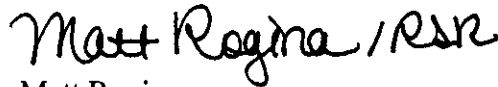
If you have any questions or concerns, please feel free to contact our office directly at (312) 793-0024. This correspondence shall serve to close this matter.

Sincerely,

cc:



Cara Smith
Public Access Counselor

A handwritten signature in black ink that reads "Matt Rogina / RSR".

By: Matt Rogina
Assistant Public Access Counselor