



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 22, 2010

Trooper Kerry Sutton
Freedom of Information Officer
Illinois State Police
801 S. Seventh Street Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461

RE: Pre-Authorization Request - 2010-PAC 10280

Dear Trooper Sutton:

We have received and reviewed the written notice from the Illinois State Police (ISP) of its intention to withhold 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.

Specifically, on October 15, 2010, [REDACTED] submitted a FOIA request with ISP seeking copies of the "names, addresses of all Firearm Owners Identification cards for individuals in Madison County."

On October 20, 2010, ISP filed a Pre-Authorization Request with this Office. In its written notice, ISP asserted that the entire file is exempt from disclosure under Section (7)(1)(c) of FOIA, 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, 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.*

In its letter, ISP explains that an individual's right to own or possess a firearm is a private matter.

Determination

ISP's request for approval of its decision to withhold the FOID information requested by [REDACTED] pursuant to Section 7(1)(c) is denied.

With limited exceptions, State law prohibits any person from acquiring or possessing a firearm unless he or she has a valid FOID card. 430 ILCS 65/2. The General Assembly has determined that it is in the public interest to provide a system for identifying persons who are not qualified to acquire or possess firearms through the issuance of FOID cards. 430 ILCS 65/1.

Because of the public safety factors that exist with regard to the ownership of a firearm, it is the conclusion of this Office that information confirming an individual's ownership of a FOID card and information relating to the ownership of a firearm does not constitute an unwarranted invasion of privacy and is outweighed by the public's right to obtain such information. ISP is permitted to redact the home addresses of the FOID card owners pursuant to Section 7(1)(b).

Based on this analysis, ISP has not met its burden under Section 7(1)(c) and should disclose the specified FOID information requested by [REDACTED].

Should you have any questions or concerns, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: [REDACTED]

Matthew C. Rogina
Assistant Public Access Counselor
2010 PAC 10280 pre-auth 7(1)(c) dl priv pd

cc: [REDACTED]