



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

Lisa Madigan  
ATTORNEY GENERAL

October 22, 2010

Trooper Kerry Sutton  
Illinois State Police  
801 S. Seventh St., Suite 1000-S  
PO Box 19461  
Springfield, IL 62794

RE: Pre-Authorization Request – 2010 PAC 5999

Dear Trooper Sutton:

We have received and reviewed the written notice from the Illinois State Police (ISP) of its intention to deny certain information as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 et seq., as amended.

██████████ submitted a FOIA request to ISP on January 26, 2010 seeking the following information:

1. Any information regarding the internal or other investigation initiated by ex-Alderman Joseph J. Berardi, city of Canton, Illinois, involving any and all city employees, specifically, Public Works Director Clif Obrien and Sewage Treatment Supervisor Joseph Carruthers and results of those investigations.
2. In the event that some internal investigations involving City Employees are ongoing please provide similar, outcomes and actions not related to that litigation.

In its written notice, ISP asserted that dates of birth and the names of private citizens are exempt from disclosure under Section 7(1)(c) of FOIA. Specifically regarding the names of private citizens, ISP advised that these are names of third parties who are not city employees and who are not suspected on any wrongdoing.

Determination

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.*

First, ISP's proposed application of the exemption in Section 7(1)(c) with regard to 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). This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

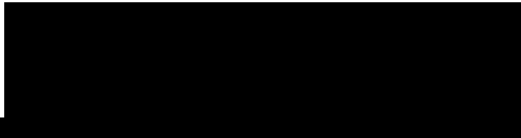
Second, ISP's proposed application of the exemption in Section 7(1)(c) with regard to the names of private citizens is approved. We have reviewed the additional information provided by ISP, including a sample of the responsive documents. We have determined that disclosure of these names would be objectionable to a reasonable person and the subjects' right to privacy outweighs any legitimate public interest in obtaining the information. In addition, these individuals are not public employees. Accordingly, ISP has met its initial burden of demonstrating that the names of private citizens located in the responsive documents are exempt from disclosure under Section 7(1)(c) of FOIA.

ISP may issue a partial denial letter and releases to the records with the dates of birth and names of private citizens redacted.

If you have any questions, please feel free to contact me at (312) 814-1003 or [joleary@atg.state.il.us](mailto:joleary@atg.state.il.us). This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

  
Jessica O'Leary  
Assistant Attorney General

cc: 

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