



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 2, 2011

Ann Kavanaugh
Records Supervisor
Schaumburg Police Department
1000 W. Schaumburg Road
Schaumburg, Illinois 60194-4198

RE: Pre-Authorization Request — 2010 PAC 13600

Dear Ms. Kavanaugh:

We have received from the Schaumburg Police Department a notice of 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 April 11, 2011, [REDACTED] submitted a FOIA request seeking copies of the following reports: 11-0029, 11-517, 11-1156, 11-1764 and 11-1827. In its written notice, the Department asserted that dates of birth, personal family information, medical information and the names of suspects are exempt from disclosure under Section 7(1)(c). (5 ILCS 140/7(1)(c))

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 the disclosure is consented to in writing by the individual subjects of the information." *Id.* 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.*

The Department's use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. Birth dates are a highly personal form of information, the disclosure of which would constitute a

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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.

The Department's use of Section 7(1)(c) with regard to personal family information and medical information is also approved. The medical information pertains to specific medical conditions, while the family information regards a matter that is highly personal by its very nature. We have determined that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c).

The Department's use of the exemption in Section 7(1)(c) with regard to the names of un-arrested suspects is also approved. Information identifying an individual as a suspect of a crime for which he or she was not arrested is highly personal by its very nature. The subjects' right to privacy outweighs any legitimate public interest in disclosure of such information. Therefore, disclosing this information would constitute a clearly unwarranted invasion of personal privacy as defined in Section 7(1)(c).

Accordingly, the Department has sustained its initial burden of demonstrating that the information described above is exempt from disclosure pursuant to Section 7(1)(c) of FOIA. As such, the Department may issue a partial denial letter directly to the requester and release the records in accordance with this letter.

The Department has asserted that additional information in the records is exempt from disclosure under Section 7(1)(b) (5 ILCS 140/7(1)(b)) and Section 7(1)(d)(iv) (5 ILCS 140/7(1)(d)(iv)). Because prior approval by the Public Access Counselor is not required for the assertion of exemptions other than Section 7(1)(c) and Section 7(1)(f) (5 ILCS 140/7(1)(f)), we make no determination at this time regarding the applicability of any other exemptions.

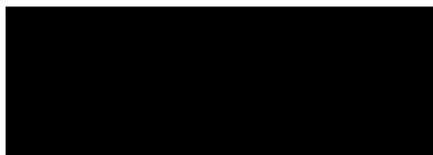
If you have any questions, please feel free to contact me at (312) 814-6756. This correspondence shall serve to close this matter.

Sincerely,

Steve Silverman BYEK

Steve Silverman
Assistant Public Access Counselor

cc:



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