



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 3, 2011

Robert Legg
Freedom of Information Officer
Roselle Police Department
103 S. Prospect Street
Roselle, Illinois 60172

RE: Pre-Authorization Request — 2011 PAC 13608

Dear Mr. Legg:

We have received and reviewed the written notice from the Roselle Police Department of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c)).

██████████ submitted a FOIA request dated April 8, 2011, seeking various police reports. In its written notice, the Department asserted that dates of birth and "victim statements related to an alleged violation of a Bail Bond" are exempt from disclosure under Section 7(1)(c) of FOIA. The Department argues that releasing the victim's statements would be "an unwarranted invasion of personal privacy and [the statements] may be sought by other means" through discovery or subpoena.

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." 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. 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

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disclosing this information. Therefore, the Department has met its initial burden of demonstrating that the redacted information is exempt under Section 7(1)(c).

Except to the extent noted below, the Department's use of the exemption in Section 7(1)(c) with regard to the "victim statement" is denied. After review of the provided materials, our office has determined that the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). The information contained in these statements relates to alleged contact in violation of a "Bail Bond and/or Stalking No Contact Order(s);" nothing in the statements rise to the level of "unwarranted invasion of personal privacy." Further, although the redacted information could be obtained through the discovery process or a subpoena, this does not protect the statements from being released under FOIA. Therefore, the Department has not met its initial burden demonstrating that the redacted information is exempt under Section 7(1)(c).

However, the Department may elect to withhold the names of the victim(s), the suspect(s) and any third parties under Section 7(1)(c). Use of the exemption with regard to these names is approved. We have determined that the disclosure of these names 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.

As such, the Department may issue a partial denial letter directly to the requester and release the records with the appropriate information redacted.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Rebecca Riddick by: AA

REBECCA RIDDICK
Assistant Attorney General
Public Access Bureau

cc:

