



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 5, 2011

Mr. Robert Burden
FOIA Officer
City of Loves Park
100 Heart Boulevard
Loves Park, Illinois 61111

RE: FOIA Pre-Authorization Request - 2011 PAC 13611

Dear Mr. Burden:

We have received and reviewed the written notice from the City of Loves Park of its intention to deny certain information as exempt from disclosure under section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010). Specifically, [REDACTED] submitted a FOIA request for police report LP#11-002660 on April 6, 2011. The City seeks pre-authorization to redact from report LP#11-002660 the names of possible suspects who were not arrested or charged in connection with the incident, the name of an alleged victim of a crime, and portions of the narrative of the report under section 7(1)(c) of FOIA.

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." 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." 5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010.

DETERMINATION

The City's use of the exemption in section 7(1)(c) to withhold suspects' names is **approved**. We have concluded that the City has met its initial burden of demonstrating that the disclosure of the names of people suspected of crimes for which they were never arrested or charged would be highly objectionable to a reasonable person. Under these circumstances, the suspects' right to privacy outweighs any legitimate public interest in the information that the City intends to redact from the report.

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The City's use of the exemption in section 7(1)(c) to redact the name of an alleged victim of a crime is also **approved**. We have concluded that the City has met its initial burden of demonstrating that the disclosure of the name of this individual would be highly objectionable to a reasonable person. Under these circumstances, the individual's right to privacy outweighs any legitimate public interest in the information that the City intends to redact from the report.

Finally, the City's use of the exemption in section 7(1)(c) to redact specified portions of the narrative in the report is **approved**. The report pertains to a highly personal matter. The subjects' right to privacy outweighs any legitimate public interest in obtaining the information in the redacted portions of the report. Further, we note that details in the redacted portions could be used to identify the alleged victim. We conclude, therefore, that the City has sustained its initial burden of demonstrating that all this information is exempt from disclosure under section 7(1)(c) of FOIA.

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

Very truly yours,

STEVE SILVERMAN by EK

STEVE SILVERMAN
Assistant Attorney General
Public Access Bureau

cc:

