



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, IL 60194-4148

RE: Pre-Authorization Request — 2011 PAC 13651

Dear Ms. Kavanaugh:

We have received and reviewed the written notice from the Schaumburg 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 140/1 *et seq.*, as amended.

██████████ submitted a FOIA request dated April 14, 2011, seeking police report number 11-6964. In its written notice, the Department asserted that narrative information is exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c) (West 2009 Supp.)) because "the victim and offender's rights to privacy clearly out weigh [sic] the public's right to know."

**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.*

Except for the specific matters noted below, the Department's use of Section 7(1)(c) to withhold narrative information in the report is **denied**. We have determined that the disclosure of this information would not constitute a clearly unwarranted invasion of the victim and offenders' personal privacy under Section 7(1)(c). Further, some of the information contains arrest information that, pursuant to Section 2.15(a) of FOIA (5 ILCS 140/2.15(a) (West 2009 Supp.)), must be made available to the public, including the name, age, and address of the arrestee. *Id.*

May 2, 2011  
Page 2

This information cannot be withheld under the Section 7 exemptions. Therefore, the Department has not met its initial burden of demonstrating that the information is exempt under Section 7(1)(c).

However, with regard to the suspect's statement which begins on line 6 and continues through line 7 of the second page of police report number 11-6964, we have determined that the disclosure of this specific information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). Additionally, with regard to the first sentence of line 10 on the second page of report number 11-6964, we have likewise determined that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). The information in both instances is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

The Village's use of the exemption in Section 7(1)(c) with regard to the victim's name is approved. We have determined that the disclosure of this name would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c).

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 contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Very truly yours,

*Rebecca Riddick by: AA*

REBECCA RIDDICK  
Assistant Attorney General  
Public Access Bureau

cc:

