



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 2, 2011

Mr. Todd Rent
Human Relations/Compliance Officer
City of Urbana
400 South Vine Street
Urbana, Illinois 61801

RE: FOIA Pre-Authorization Request – 2011 PAC 13667

Dear Mr. Todd Rent:

We have received and reviewed the written notice from the City of Urbana 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, on April 6, 2011, Mr. Andrew Bequette submitted a FOIA request to the City, seeking a copy of the videotape of a December 7 2010 incident involving a child at the Bradley Learning Center. In its written notice, the City asserts that the requested videotape is exempt from disclosure 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 the requested videotape is **approved**. Based on a thorough review of the records and applicable statutes, we have determined that the disclosure of the videotape would constitute a clearly unwarranted invasion

Mr. Todd Rent
May 2, 2011
Page 2

of personal privacy. This videotape contains highly personal information and the privacy interests of the alleged victim outweigh any legitimate public interest in obtaining the information. Thus, the City has met its initial burden of establishing that this information is exempt from disclosure under section 7(1)(c). Notably, because Mr. Bequette stated in his FOIA request that he is representing the mother of the alleged victim, the City has indicated that it is willing to release the videotape to Mr. Bequette upon receipt of a written consent from the mother of the alleged victim

If you have any questions, please contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Very truly yours,

A solid black rectangular redaction box covering the signature of Tola Sobitan.

TOLA SOBITAN
Assistant Attorney General
Public Access Bureau

cc: Andrew W.B. Bequette
Beckett & Webber, P.C.
508 South Broadway
Urbana, IL 61803-7160

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