



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 29, 2010

Sherry Holmes
FOIA Officer
Macomb Police Department
120 S. McArthur Street
Macomb, Illinois 60455

Re: Pre-Authorization Request – 2010 PAC 10317

Dear Ms. Holmes:

We have received and reviewed the written notice from the Macomb Police Department (Department) of its 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.

██████████ submitted a FOIA request to the Department on October 19, 2010 seeking report # 10-11329. In its written notice, the Department asserted that the name and statements of a certain individual are exempt from disclosure under Section 7(1)(c) of FOIA.

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.” 5 ILCS 140/7(1)(c). 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.*

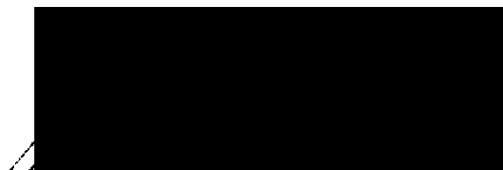
The Department’s proposed application of the exemption found in Section 7(1)(c) regarding the name and statements of a specific individual is approved. We have reviewed the unredacted records provided by the Department and have determined that disclosure of this information would be objectionable to a reasonable person and the subject’s right to privacy outweighs any legitimate public interest in obtaining the information. Therefore, the Department has met its burden of demonstrating that the specific information is exempt from disclosure under Section 7(1)(c) of FOIA.

Accordingly, the Department's issuance of a partial denial letter and release of the records with the specific information redacted were appropriate.

If you have any questions, please feel free to contact me at (312) 814-1003 or joleary@atg.state.il.us. This correspondence shall serve to close this matter.

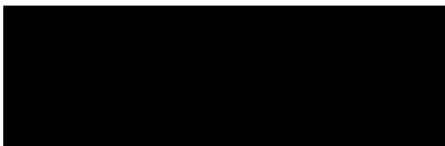
Sincerely,

Cara Smith
Public Access Counselor



Assistant Attorney General

cc:



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