



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 1, 2010

JoAnne R. Gumprecht
Freedom of Information Officer
Barrington Hills Police Department
112 Algonquin Road
Barrington Hills, IL 60010

RE: Pre-Authorization Request — 2010 PAC 10390

Dear Ms. Gumprecht:

We have received and reviewed the written notice from the Barrington Hills Police Department (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 October 15, 2010, seeking police report number 10-1480. In its written notice, the Department asserted that the nature of the subject's injury and the name of the subject's medical care provider 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." 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 the nature of the subject's injury is denied. We have determined that the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). We have determined that the Department has not met its burden to demonstrate a basis for redacting this information.

The Department's use of the exemption in Section 7(1)(c) with regard to the name of the medical

November 1, 2010
Page 2

care provider is approved. We have determined that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(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.

However, with regard to the medical care provider's profession, the Department's use of the exemption in Section 7(1)(c) is denied. We have determined that the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). We have determined that the Department has not met its burden to demonstrate a basis for redacting 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,

Cara Smith
Public Access Counselor

By:

Amalia Rioja by EK

Amalia Rioja
Chief Deputy Public Access Counselor

cc:

