



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 1, 2010

Beth Janicki Clark
Assistant Village Attorney
Village of Downers Grove
801 Burlington Avenue
Downers Grove, Illinois 60515

RE: Pre-Authorization Request – 2010 PAC 8028
Requester: [REDACTED]

Dear Ms. Clark:

We have received and reviewed the written notice from the Village of Downers Grove (Village) of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c).

[REDACTED] submitted a FOIA request dated June 15, 2010, in which she sought a police report about a specific matter, dated approximately February 28, 2010, and any other reports regarding the same individuals during the 12 months before the date of the FOIA request. In its written notice, the Village asserted that the narrative portions of three incident reports are exempt from disclosure under Section 7(1)(c) of FOIA.

Determinations

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 Village’s use of the exemption in Section 7(1)(c) with regard to the narrative portions of these three records is **approved**. The narratives pertain entirely to highly personal matters, and the subjects’ right to privacy outweighs any legitimate public interest in obtaining this

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information. Therefore, we have determined that the disclosure of this type of information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). Accordingly, the Village should issue a partial denial letter directly to [REDACTED] and release the records to her 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: [REDACTED]

8028 pre-auth al 71c priv pd