



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 29, 2010

Benjamin Henning
Assistant State's Attorney
10 Public Square
Belleville, IL 62220

RE: Pre-Authorization Request – 2010 PAC 9619
Requesters: George Pawlaczyk and Beth Hundsdorfer

Dear Mr. Henning:

We have completed our review of the notice from the St. Clair County Sheriff's 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. On August 24, 2010, the Department received a request from Mr. George Pawlaczyk and Ms. Beth Hundsdorfer of the Belleville News-Democrat for investigative reports of sex crimes from January 1, 2007 to July 1, 2010. This request was narrowed by oral agreement. In its written notice, the Department informed us of its intention to redact from the responsive records certain personal information regarding victims and suspects of these crimes and other individuals involved.

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." 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.*

Determinations

Based on our review of a sample of the responsive records, we approve the Department's use of the exemption in Section 7(1)(c) with regard to information that could identify the victims, victims' family members and friends, witnesses, and suspects who were not arrested. This information includes names, dates of birth, ages, signatures, and job titles at specific locations. The responsive records relate to matters that are highly personal, and the right to privacy of those

Mr. Benjamin Henning
October 29, 2010
Page 2 of 2

involved in these incidents outweighs any legitimate public interest in obtaining the identities of the people involved.

However, the Department's use of the exemption in Section 7(1)(c) with regard to the names and identifying information of suspects who were arrested is denied. Section 2.15(a) of FOIA requires State and local criminal justice agencies to disclose "the name, age, address, and photograph" of persons who were arrested when that information is available in chronologically maintained arrest and criminal history records. 5 ILCS 140/2.15(a). Therefore, information that identifies individuals who were arrested is not exempt from disclosure under Section 7(1)(c).

Accordingly, the Department should send a partial denial letter directly to Mr. Pawlaczyk and Ms. Hundsdorfer and release the records to them with the appropriate information redacted as specified in this letter. If you have any questions, please feel free to contact Sarah Kaplan at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Amalia Rioja by SRK

Amalia Rioja
Chief Deputy Public Access Counselor

cc: George Pawlaczyk
Beth Hundsdorfer
Belleville News-Democrat
120 S. Illinois St.
Belleville, IL 62220

9619 pre-auth at dl 7(1)(c) vic priv sus priv pd