



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 11, 2011

Ms. JoAnne Gumbrecht
Barrington Hills Police Department
112 Algonquin Road
Barrington Hills, Illinois 60010

RE: FOIA Pre-Authorization Request – 2011 PAC 13887

Dear Ms. Gumbrecht:

We have received and reviewed the written notice from the Barrington Hills Police Department (Department) 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). The Department seeks pre-authorization to withhold photographs of a victim's injuries from police report No. 08-10436 and to redact information that could identify third party witnesses from police report No. 11-2146.

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 Department's use of the exemption in section 7(1)(c) to withhold the photographs from report No. 08-10436, and to redact the references that could identify the third party witnesses from report No. 11-2146, is **approved**. These photographs are highly personal, and the subject's right to privacy outweighs any legitimate public interest in obtaining these photographs. Additionally, in the context of report No. 11-2146, disclosure of information that might disclose the identities of the third party witnesses would be objectionable to a reasonable person, and these witnesses' right to privacy outweighs any legitimate public interest in

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obtaining their identities. For these reasons, we conclude that the Department has sustained its initial burden of demonstrating that the photographs and the references that could identify the third-party witnesses are exempt under section 7(1)(c).

Accordingly, the Department may issue a partial denial letter directly to the requester and release the reports with the appropriate information redacted, if it has not already done so. If you have any questions, please contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Very truly yours,

A solid black rectangular redaction box covering the signature of Sarah Kaplan.

SARAH KAPLAN
Assistant Attorney General
Public Access Bureau

cc: Ms. Mary E. Gardner
P.O. Box 330
West Dundee, Illinois 60118