



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

May 11, 2011

Trooper Kerry Sutton  
Illinois State Police  
801 S. Seventh St., Suite 1000-S,  
P.O. Box 19461  
Springfield, IL 62794

RE: FOIA Pre-Authorization Request – 2011 PAC 13942

Dear Trooper Sutton:

We have received and reviewed the written notice from the Illinois State Police (ISP) 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 ISP seeks pre-authorization to withhold the name of the victim from records related to Peoria County Circuit Court case number 07-CF-767.

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 ISP's use of the exemption in section 7(1)(c) to withhold the victim's name is **approved**. We have concluded that the ISP has met its initial burden to demonstrate that the disclosure of the victim's name and information contained in these documents would be highly objectionable to a reasonable person. Under these circumstances, the right to privacy outweighs any public interest in the information that the ISP intends to withhold.

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The ISP also indicates that it intends to redact additional information from the records pursuant to section 7(1)(b) (5 ILCS 140/7(1)(b) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010) of FOIA. Because advance approval by the Public Access Counselor is not required for the assertion of exemptions other than sections 7(1)(c) and 7(1)(f) (5 ILCS 140/7(1)(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010), we make no determination at this time regarding the applicability of any other exemptions.

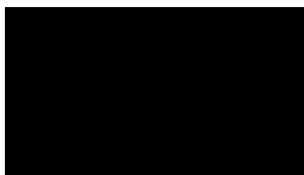
If you have any questions, please contact Andres Acosta at (877) 299-3642. This correspondence shall serve to close this matter.

Very truly yours,

*Rebecca Riddick by: AA*

Rebecca Riddick  
Assistant Attorney General  
Public Access Bureau

cc:



*13942 preauth at 71c vic priv pd*