

## OFFICE OF THE ATTORNEY GENERAL STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 8, 2010

Julie Nistler Park Ridge Police Department

200 South Vine Avenue Park Ridge, IL 60068

RE: Pre-Authorization Request - 2010 PAC 10420

Dear Ms. Nistler:

We have received and reviewed the written notice from the Park Ridge Police Department (Department) of its intention to deny certain information as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act. 5 ILCS 140/1 et seg., as amended (FOIA). The Department is seeking to redact dates of birth and the name of a possible suspect who was not arrested or charged from the requested documents:

submitted a FOIA request on October 22, 2010 for Agency Case and In its written notice, the Department asserted that the dates of birth and a suspect's name are exempt from disclosure under Section 7(1)(c) of FOIA

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." 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*.

## **Determination**

The Department's use of the exemption in Section 7(1)(c) with regard to the dates of birth is <u>approved</u>. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy. 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.

The Department's use of the exemption in Section 7(1)(c) with regard to redacting a suspect's name is approved. We have concluded that the disclosure of the names and contact information of people suspected of crimes for which they were never arrested or charged would be highly objectionable to a reasonable person. Under these circumstances, the suspect's right to privacy outweighs any public interest in the information that the Department intends to redact from the report.

If you have any questions, please feel free to contact me at (217) 785-7438. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith

Public Access Counselor

Amanda Lindeen Amanda M. Lundeen

Assistant Public Access Counselor

cc:

