



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 8, 2010

Tpr. Kerry Sutton
FOIA Officer
Illinois State Police
801 S. Seventh Street
Suite 1000-S
Springfield, IL 62794

RE: Pre-Authorization Request – 2010 PAC 10427

Dear Trooper Sutton:

We have received and reviewed the written notice from the Illinois State Police (ISP) 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.*

Specifically, on October 20, 2010, ISP received a FOIA request from [REDACTED] in which [REDACTED] sought a copy of the complete forensic report relating to his criminal case # 2004-CR-05993-02. In its written notice, ISP asserts that the identities of the victim and the other suspect, listed in the requested report, are exempt from disclosure under Section 7(1)(c) of FOIA. 5 ILCS 140/7(1)(c).

Determination

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.” 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.” *Id.*

ISP’s use of the Section 7(1)(c) exemption with regards to the identity of the victim is **approved**. We have determined that release of this information would constitute a clearly unwarranted invasion of personal privacy. This type of information is highly personal by its very nature and its’ release would be objectionable to a reasonable person. Accordingly, ISP has met its burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

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However, ISP's use of the Section 7(1)(c) exemption to withhold the identity of the other suspect listed in the report is **denied**. We have determined that the disclosure of the identity of the said suspect would not constitute a clearly unwarranted invasion of personal privacy because the requested report shows that the said suspect had been arrested and charged in relation to the underlying offense. Pursuant to Section 2.15 of FOIA (5 ILCS 140/2.15), certain information, including the name of an arrestee and the nature of his or her offense, must be furnished to the public by criminal justice agencies. ISP has failed to meet its burden of demonstrating that the identity of the suspect is exempt from disclosure under Section 7(1)(c) of FOIA.

In accordance with this letter, therefore, ISP may issue a partial denial letter to [REDACTED] and release the report to him with the appropriate information redacted. If you have any questions, please feel free to contact me at (312) 814-6437. This letter shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

[REDACTED]
Tola Sobitan
Assistant Public Access Counselor

cc:

[REDACTED]

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