



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 8, 2010

Deputy Chief Derek Lee
Roscoe Police Department
10595 Main St.
Roscoe, IL 61073

RE: Pre-Authorization Request – 2010 PAC 10550

Dear Deputy Chief Lee:

We have received and reviewed the written notice from the Roscoe Police Department (Department) of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) (5 ILCS 140/7(1)(c)) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

Specifically, [REDACTED] submitted a FOIA request to the Department on November 1, 2010, seeking a copy of Police Report No. 2010-7336 (Report). On November 4, 2010, the Department sought our approval to withhold the Report pursuant Section 7(1)(c) of FOIA, which 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 of privacy outweighs any legitimate public interest in obtaining the information.” *Id.*

Determinations

The Department’s request for approval of its decision to withhold the police report in its entirety pursuant to Section 7(1)(c) is denied. Because the requester at issue is the arrestee, this Office has determined that disclosure of a substantial portion of information in the report, specifically the narrative and list of offenses, would not be considered highly personal or objectionable to the reasonable person.

With regard to the date of birth of the complainant, the Department may redact this information pursuant to Section 7(1)(c). Disclosure of a date of birth could constitute a highly unwarranted invasion of personal privacy for the complainant.

Although not subject to pre-authorization by the Public Access Counselor, we note that Section 7(1)(d)(iv) (5 ILCS 140/7(1)(d)(iv)) of FOIA exempts from inspection and copying records that would "unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies." This exemption may be applicable to redact the identity of the complainant in the report.

Further, the Department may redact any "private information" pursuant to Section 7(1)(b) of FOIA (5 ILCS 140/7(1)(b)).¹

If you have any questions, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Matthew C. Rogina
Assistant Attorney General, Public Access Division
10550 pre-auth al dl 7(1)(c) vic priv dob pd

cc:

[Redacted]

¹ Redactions or documents that are exempt pursuant to Section 7(1)(b) also do not require pre-approval from this Office. Section 2(c-5) defines private information as unique identifiers, including "a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal e-mail addresses. Private information also includes home addresses and personal license plates, except as otherwise provided by law or when compiled without the possibility of attribution to any person." 5 ILCS 140/2(c-5).