



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 13, 2011

Sgt. Shannon J. Swearingen
FOIA Officer
East Peoria Police Department
201 W. Washington St.
East Peoria, Illinois 61611

RE: FOIA Pre-Authorization Request – 2011 PAC 11886

Dear Sgt. Swearingen:

We have received and reviewed the written notice from the East Peoria Police Department of its intention to deny disclosure of certain information as exempt pursuant to 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 East Peoria Police Department seeks pre-authorization to withhold portions of the narrative from police report #10-17953 containing personal medical information of the victim.

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 East Peoria Police Department's use of the exemption in section 7(1)(c) to withhold personal medical information of the victim is **approved**. We have concluded that the East Peoria Police Department has met its initial burden of demonstrating that the disclosure of the information it has redacted from 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 East Peoria Police Department intends to withhold.

Sgt. Shannon J. Swearingen
May 12, 2011
Page 2

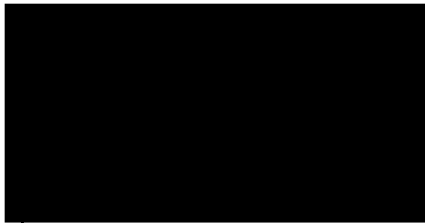
If you have any questions, please contact me at (217) 782-9078. This correspondence shall serve to close this matter.

Very truly yours,



MATTHEW M. SEBEK
Assistant Attorney General
Public Access Bureau

cc:



11886 pa al vicprv