



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 17, 2011

Ms. Joanne Wessels
FOIA Officer
Batavia Police Department
100 North Island
Batavia, Illinois 60510

RE: FOIA Pre-Authorization Request - 2011 PAC 14045

Dear Ms. Wessels:

We have received and reviewed the written notice from the Batavia Police Department (Department) of its intention to deny disclosure of certain information 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). Specifically, on May 2, 2011, [REDACTED] submitted a FOIA request to the Department for various police case reports involving a specific street address. The Department is seeking to redact from the requested documents (1) specific narrative portions, (2) voluntary statements made by the subject and a witness, (3) the witness' name, and (4) information identifying the witness.

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 Department's redaction of specific narrative portions of the police reports pursuant to section 7(1)(c) is **approved in part and denied in part**. All redactions of narrative portions of case report No. 10-5685 are **approved**. All redactions of narrative portions of case report No. 10-10777, except for the last paragraph, are **approved**. (The last paragraph in case

Ms. Joanne Wessels
May 17, 2011
Page 2

report No. 10-10777 is addressed separately below.) We have concluded that the Department has met its initial burden of demonstrating that the disclosure of this information would be highly objectionable to a reasonable person. Under these circumstances, the subjects' right to privacy outweighs any legitimate public interest in the information that Department intends to redact from the report.

The Department's use of the exemption in section 7(1)(c) to redact voluntary statements made by the subject and a witness, the witness' name and information identifying the witness is **approved**. We have concluded that the Department has met its initial burden of demonstrating that the disclosure of this information would be highly objectionable to a reasonable person. Under these circumstances, the subjects' right to privacy outweighs any legitimate public interest in the information that Department intends to redact from the report.

However, this Office has concluded that once the witness' name has been redacted, release of the last paragraph in case report No. 10-10777 would not constitute a clearly unwarranted invasion of personal privacy. This paragraph simply asserts that documents pertaining to the report were filed with the Department. We have concluded that the Department has not met its initial burden of demonstrating that the disclosure of this information would be highly objectionable to a reasonable person.

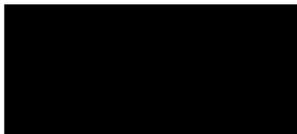
If you have any questions, please contact Andres Acosta at (877) 299-3642. This correspondence shall serve to close this matter.

Very truly yours,

Rebecca Riddick by: AA

REBECCA RIDDICK
Assistant Attorney General
Public Access Bureau

cc:



14045 preauth 71c priv pd