



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

May 17, 2011

Mr. Kerry F. Partridge  
City of Rockford  
425 East State Street  
Rockford, IL 61104-1014

RE: FOIA Pre-Authorization Request – 2011 PAC 14047

Dear Mr. Partridge:

We have received and reviewed the written notice from the City of Rockford 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).

[REDACTED], an anonymous requester, submitted a FOIA request for all records regarding [REDACTED] and [REDACTED] on or about April 25, 2011. In its written notice, the City asserts that certain police reports and other documents are exempt from disclosure to an anonymous requester 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 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 City's use of the exemption in section 7(1)(c) to withhold the requested records in their entirety is **denied**. First, the City appears to rely on section 7(1)(c) to deny the FOIA request solely because the requester did not supply his or her name. Section 3 of FOIA details the requirements for requests and responses under the Act. Section 3(a) specifies that "[e]ach

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public body shall make available to *any person* for inspection or copying all public records[.] (Emphasis added.) 5 ILCS 140/3(a) (West 2009 Supp.). The Act further provides:

(c) Requests for inspection or copies shall be made in writing[.] \* \* \* Written requests may be submitted to a public body via personal delivery, mail, telefax, or other means[.] \* \* \* A public body may honor oral requests for inspection or copying. A public body may not require that a request be submitted on a standard form or require the requester to specify the purpose for a request, except to determine whether the records are requested for a commercial purpose or whether to grant a fee waiver. All requests \* \* \* shall be immediately forwarded to its Freedom of Information officer or designee. 5 ILCS 140/3(c) (West 2009 Supp.).

Nothing in this section requires the requester to provide his or her name. Thus, FOIA requests may be submitted to a public body anonymously.

We have also concluded that the City has not met its initial burden of demonstrating that the disclosure of the requested documents would be highly objectionable to a reasonable person, and therefore are exempt under section 7(1)(c).

However, the City may redact dates of birth and the name of a juvenile referenced in the documents pursuant to section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010). Under these circumstances, the subjects' right to privacy outweighs any public interest in the limited information that the City may withhold.

If you have any questions, please contact Tammy Friedewald at (217) 558-1926. This correspondence shall serve to close this matter.

Very truly yours,



AMANDA M. LUNDEEN *MF*  
Assistant Attorney General  
Public Access Bureau

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cc:

