



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 17, 2010

Beth Janicki Clark
Assistant Village Attorney
Village of Downers Grove
801 Burlington Avenue
Downers Grove, Illinois 60515

Re: Pre-Authorization Request – 2010 PAC 10443

Dear Ms. Janicki Clark:

We have received and reviewed the written notice from the Village of Downers Grove (Village) 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.*, as amended.

Donna Hunter of ABC News 20/20 submitted a FOIA request of October 21, 2010 seeking Report #04-5605 and Report #04-9692. In its written notice, the Village advised that the reports pertain to criminal sexual assault cases and it asserted that specific details within the reports are exempt from disclosure under Section 7(1)(c) of FOIA as disclosure would constitute an unwarranted invasion of the victims' personal privacy.

Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) 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." 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 to privacy outweighs any legitimate public interest in obtaining the information." *Id.*

Determination

First, the Village's proposed application of the exemption found in Section 7(1)(c) of FOIA to deny disclosure of the names of victims is approved. Disclosure of this information would be objectionable to a reasonable person and the victims' right to privacy outweighs any legitimate public interest in obtaining the information.

Second, the Village's proposed application of the exemption found in Section 7(1)(c) of FOIA to deny disclosure of dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). This type of information is highly personal by its very nature and the subjects' right to privacy outweighs any legitimate public interest in disclosing this information.

Third, the Village's proposed application of the exemption found in Section 7(1)(c) of FOIA to deny disclosure of the names of individuals mentioned in the reports who neither provided law enforcement with information nor were arrested or charged for a criminal offense is approved. Disclosure of this information would be objectionable to a reasonable person and the subjects' right to privacy outweighs any legitimate public interest in obtaining the information.

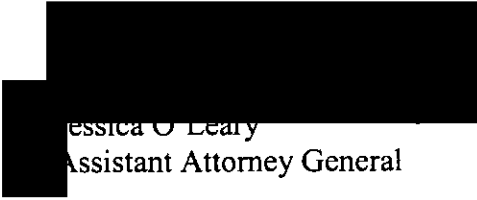
Fourth, the Village's proposed application of the exemption found in Section 7(1)(c) of FOIA to deny disclosure of detailed descriptions of sexual conduct found within the reports is approved. We have reviewed the redacted and unredacted copies of the reports provided by the Village and have determined that this information is highly personal and the subjects' right to privacy outweighs any legitimate public interest in obtaining the information.

Therefore, the Village has met its burden of demonstrating that the specific information is exempt from disclosure under Section 7(1)(c) of FOIA. Accordingly, the Village's issuance of a partial denial letter and the disclosure of the documents with the specific information redacted were appropriate.

If you have any questions, please feel free to contact me at (312) 814-1003 or joleary@atg.state.il.us. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor



Jessica O'Leary
Assistant Attorney General

cc: Donna Hunter
ABC News 20/20
147 Columbus Avenue, Office 910
New York, New York 10023

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