



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 16, 2010

Michael S. Recupito
Director of Police Administration
Round Lake Police Department
741 W. Town Line Road
Round Lake, Illinois 60073

Re: Pre-Authorization Request – 2010 PAC 10598

Dear Mr. Recupito:

We have received and reviewed the written notice from the Round Lake Police Department 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.

██████████ submitted a FOIA request to the Department on November 2, 2010 seeking a copy of Incident Report 2010-001833. In its written notice, the Department asserted that dates of birth contained within the report and the names and photographs of “‘filler’ persons from the photographic line-up” are exempt from disclosure under Section 7(1)(c) of FOIA, as disclosure would constitute an unwarranted invasion of 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

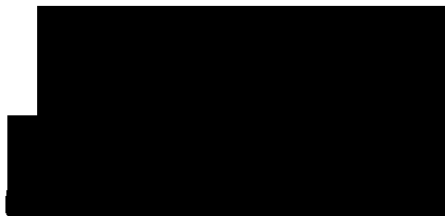
The Department’s proposed application of the exemption found in Section 7(1)(c) of FOIA to deny disclosure of dates of birth, and also names and photographs of filler persons from the photographic line-up, is approved. We have reviewed the redacted and unredacted copies of the responsive document provided by the Department and have determined that 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.

Therefore, the Department has met its burden of demonstrating that the specific information is exempt from disclosure under Section 7(1)(c) of FOIA. Accordingly, the Department may issue a partial denial letter and release the documents with the appropriate information redacted.

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



cc:



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