



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 18, 2010

Ms. Erin Van De Walle
Freedom of Information Act Officer
City of Elmhurst
209 North York Street
Elmhurst, Illinois 60126

RE: Pre-Authorization Request – 2010 PAC 10623

Dear Ms. Van De Walle:

We have received and reviewed the written notice from the City of Elmhurst (City) of its intention to withhold 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.

Specifically, on October 25, 2010, [REDACTED] submitted a FOIA request to the City seeking copies of police reports (Reports) from the “year 2000 to the present at [REDACTED] Elmhurst, Illinois 60126.”

On November 8, 2010, the City sought our Office’s approval to withhold six Reports pursuant to Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)), which 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.* The City supplemented its Notice with copies of the Reports sought by [REDACTED]

Determinations

The City’s request for approval of its decision to withhold the six Reports in their entirety pursuant to Section 7(1)(c) is approved.

In this instance, these Reports detail highly sensitive information about an individual. Disclosure of this information would constitute a highly unwarranted invasion of the individual’s personal

privacy pursuant to Section 7(1)(c). Further, there exists no legitimate interest in the public obtaining such private information.


Based on this analysis, the City has met its initial burden under Section 7(1)(c) and may withhold the six Reports in their entirety.

If you have any questions, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close the file.

Sincerely,

Cara Smith
Public Access Counselor

By:


Matthew C. Rogina
Assistant Public Access Counselor

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