



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 17, 2010

Kevin Burke
FOIA Officer
Supervisor of Administrative Services
West Dundee Police Department
555 S. Eighth Street
West Dundee, Illinois 60118

RE: Pre-Authorization Request – 2010 PAC 6222

Dear Mr. Burke:

We have received and reviewed the written notice from the West Dundee Police Department (Department) of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

On September 28, 2010, Ms. Lauren Pearle submitted a FOIA request to the Department, seeking the following information:

All records pertaining to Chrystel, Mac, Lynn and Brian Strelloff, including video tapes, interviews, police reports, case files, 911 calls, etc.

In its written notice, the Department asserts that certain incident reports contained within the requested records, specifically, Reports #03-1578 and #03-1744, are exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)).

Determination

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." *Id.* 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." *Id.*

The Department's use of the Section 7(1)(c) exemption to withhold the disclosure of Reports #03-1578 and #03-1744, in their entirety, is **approved**. We have determined that the release of these incident reports would constitute a clearly unwarranted invasion of personal privacy. It

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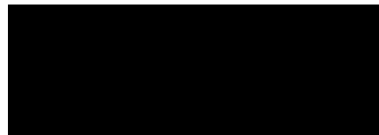
does not appear that any arrests were made in connection with the reports or that any criminal charges resulted. The type of information contained in the reports is highly personal by its very nature and its release would be objectionable to a reasonable person. Accordingly, the Department has met its burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

If you have any questions, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Tola Sobitan
Assistant Public Access Counselor

cc: Lauren Pearle
ABC News
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New York, NY 10023

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