



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 11, 2010

Ms. Tammie Lindblom
FOIA Officer
Woodridge Police Department
One Plaza Drive
Woodridge, Illinois 60517

RE: Pre-Authorization Request – 2010 PAC 6845

Dear Ms. Lindblom:

We have received and reviewed the written notice from the Woodridge Police Department (Department) 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.

██████████ submitted a FOIA request to the Department on April 12, 2010 seeking a copy of Incident Report No. WO 10-004117 (Report). In its written notice to this Office, the Department asserted that the names of the two alleged suspects and two alleged witnesses are exempt from disclosure under Section (7)(1)(c) of FOIA. The Department further stated that the narrative portion of the report should be stricken because it contains personal information about the family involved in the dispute.

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 disclosure is consented to in writing by the individual subjects of the information.” 5 ILCS 140/7(1)(c). 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 use of the application in Section 7(1)(c) to the names of the alleged suspects, alleged witnesses and the narrative portion of the Report is approved in part, denied in part. In this case, the Report makes no mention of any arrests and this matter is apparently now closed. The release of names referenced in an incident report, when no arrests are made or subsequent action taken, may be properly considered an invasion of personal privacy. Furthermore, portions of the narrative make reference to familial and personal relationships between the alleged suspects and witnesses. The disclosure of this information is outweighed by the individual's right to privacy under Section 7(1)(c).

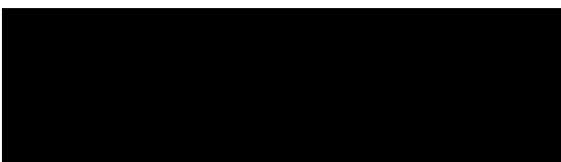
However, references to the nature of the physical and verbal altercation between the alleged suspects falls outside the scope of Section 7(1)(c). Because the names of the alleged suspects may be redacted from the report, there are no privacy interests to be protected by withholding the narrative of the altercation itself.

Accordingly, the Department may redact the names of the alleged suspects, alleged witnesses and any references to a familial or personal relationship in the narrative. The part of the narrative that details the nature of the altercations, however, must be disclosed.

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

Sincerely,

Cara Smith
Public Access Counselor



Matthew C. Rogina
Assistant Public Access Counselor

cc:

