



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 19, 2010

Jaye Valadez-Wilger
FOIA Officer
St. Charles Police Department
2 State Avenue
St. Charles, Illinois 60174

Re: Pre-Authorization Request – 2010 PAC 10679

Dear Ms. Valadez-Wilger:

We have received and reviewed the written notice from the St. Charles Police Department (Department) of its intention to deny disclosure of certain information as exempt from disclosure under Sections 7(1)(c) and 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

██████████ submitted FOIA request to the Department on November 3, 2010 seeking Incident Report 04-5213. In its written notice the Department advised that the report pertains to a domestic situation in which no criminal proceedings were initiated. The Department asserted that specific statements made to law enforcement are exempt from disclosure under Section 7(1)(c) of FOIA as the disclosure of this information would constitute an unwarranted invasion of personal privacy. In addition, the Department asserted that a specific statement contained in the report is exempt from disclosure under Section 7(1)(f) of FOIA as it is a law enforcement official's opinion of the matter.

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.*

Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)) exempts from disclosure records that constitute "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record shall not be exempt when the record is publicly cited and identified by the head of the public body."

Determination

The Department's proposed application of the exemption found in Section 7(1)(c) of FOIA to deny disclosure of specific statements made to law enforcement is approved. We have reviewed the redacted and unredacted copies of the responsive document provided by the Department and have determined that the specific statements are highly personal and disclosure of this information would be objectionable to a reasonable person. In addition, the subjects' right to privacy outweighs any legitimate public interest in obtaining the information.

The Department's proposed application of the exemption found in Section 7(1)(f) of FOIA to deny disclosure of a statement made by a law enforcement official is approved. We have reviewed the redacted and unredacted copies of the responsive document provided by the Department and have determined that the statement consists of a law enforcement official's opinion of the information obtained during the course of the report.

Accordingly, the Department has met its initial burden of demonstrating that specific statements contained in the report are exempt from disclosure under Sections 7(1)(c) and 7(1)(f) of FOIA. The Department may issue a partial denial letter to [REDACTED] and release the record 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

[REDACTED]
Assistant Attorney General

cc: [REDACTED]

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