



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 30, 2010

Geoffrey B. Dodds
Village Attorney
Village of Heyworth
108 S. Buchanan Street
P.O. Box 439
Heyworth, Illinois 61745-0439

Re: Pre-Authorization Request – 2010 PAC 10809

Dear Mr. Dodds:

We have received and reviewed the written notice from the Village of Heyworth (Village) 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.

Senior Special Agent Ramon Rodriguez of the Government Accountability Office submitted a FOIA request on November 9, 2010 seeking the following information:

All police reports, investigation reports, and witness statements pertaining to: [REDACTED]
[REDACTED]'s arrests on 5/18/87 (crim. sexual assault); 1/18/96 (crim. sexual abuse);
4/19/97 (crim. sexual abuse); and 9/11/08 (crim. sexual assault)...

In its written notice, the Village advised that it has in its possession records pertaining to the 9/11/08 incident only. The Village asserted that specific information found in the responsive documents is exempt from disclosure under Section 7(1)(c) of FOIA "...in that disclosure of the information related to the victims and/or their guardian(s) or parents would be an unwarranted invasion of personal privacy in that the victims are or were minors at the time of the incidents and are the alleged victims of sexual crimes."

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 Village's proposed application of the use of the exemption found in Section 7(1)(c) of FOIA to deny disclosure of specific information relating to the victims of sexual crimes and the victims' parents or guardians is approved. We have reviewed the redacted and unredacted copies of the responsive documents provided by the Village and have determined that that disclosure of the redacted information would be objectionable to a reasonable person and would constitute an unwarranted invasion of personal privacy. The victims' right of privacy outweighs any legitimate public interest in obtaining this information.

Accordingly, the Village's issuance of a partial denial letter and release of the records with the specific information redacted were appropriate.


Please note we offer no advice or opinion as the Village's use of any exemption other than Section 7(1)(c).

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

By: 


Jessica O'Leary
Assistant Attorney General

cc: Senior Special Agent Ramon Rodriguez
Government Accountability Office
441 G Street, NW
Washington, D.C. 20548

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