



**OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS**

Lisa Madigan  
ATTORNEY GENERAL

November 30, 2010

Chrissie Peterson  
City Attorney  
City of Canton  
2 North Main  
Canton, IL 61520

RE: Pre-Authorization Request – 2010 PAC 8725

Dear Ms. Peterson:

We have received and reviewed the written notice from the City of Canton (City) of its intention to deny disclosure of certain documents as exempt under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

On July 23, 2010, [REDACTED] submitted a FOIA request for all police records regarding an incident that occurred on April 26, 2010, involving [REDACTED] who was found unconscious by her friend and was subsequently pronounced dead.

In its written notice, the City asserts that the exemption in Section 7(1)(c) to redact dates of birth in three police reports (identified as "D", "E" and "F" by the City). The City also seeks to withhold three other police reports (identified as "A", "B", and "C") in their entirety under Section 7(1)(c). The City states that these records contain information regarding the death investigation of [REDACTED] and detailed descriptions of life-saving measures and evidence collected from the crime scene at the time of [REDACTED]. The City asserts that release of this information would constitute a clearly unwarranted invasion of the personal privacy of a deceased person under Section 7(1)(c).

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

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person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." *Id.*

The City's use of the exemption in Section 7(1)(c) to redact dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

The City's use of the exemption in Section 7(1)(c) to withhold police reports A, B and C in their entirety is denied. We have determined that the disclosure of the information in these police reports would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). Upon a person's death, the right to privacy, regarding information pertaining to that individual, exists with the individual's family. Given that [REDACTED] father requested the information in this instance, the City has failed to meet its burden to demonstrate that disclosure to [REDACTED] would constitute an unwarranted invasion of personal privacy.

The City may, however, consider redacting portions of the records that contain information regarding other individuals and submit a pre-authorization request for that information for our review.

Unless the City decides to submit a more limited pre-authorization request as indicated above, the City may provide the requested records to the requester in accordance with this letter.

This letter shall serve to close this matter. If you have any questions, please feel free to contact me at (312) 814-5206.

Sincerely,

Cara Smith  
Public Access Counselor

B [REDACTED]

Amalia Kioja  
Chief Deputy Public Access Counselor

cc: [REDACTED]

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