



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 1, 2010

Kyle Perkins
Deputy Chief and FOIA Officer
Wilmette Police Department
710 Ridge Rd.
Wilmette, IL 60091

Re: Pre-authorization request – 2010 PAC 9953

Dear Deputy Chief Perkins:

We have received and reviewed a notice of intention to deny issued by the Wilmette Police Department (Department) in response to [REDACTED] request for records under the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended. [REDACTED] requested all records regarding [REDACTED]. The Department identified 85 pages of responsive documents and asserted that all dates of birth, references to a specific medical condition in a police report, and an entire 11-page police report are exempt from disclosure under Section 7(1)(c) (5 ILCS 140/7(1)(c)). We approved the Department's request to redact birth dates, and determined that further inquiry was warranted with respect to the other matters.

Information in public records is exempt personal information if disclosure would "constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). An "[u]nwarranted invasion of personal privacy" is 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 request to redact references to a specific medical condition in a police report is **approved**. This type of information is highly personal by its very nature, and the subject's right to privacy outweighs any legitimate public interest in disclosure.

The Department's request to withhold an 11-page police report is also **approved**. We have reviewed a copy of the report, which pertains to an incident which did not result in an arrest or the filing of charges. The report references highly personal information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Department intends to redact additional information pursuant to Section 7(1)(a) (5 ILCS 140/7(1)(a)), Section 7(1)(b) (5 ILCS 140/7(1)(b)), and Section 7(1)(d)(iv) (5 ILCS 140/7(1)(d)(iv)). We have not analyzed the assertion of those exemptions; the assertion of those exemptions by the Department is not contingent upon receiving pre-approval from our office.

This letter shall serve to close this matter. If you have any questions, please feel free to contact me at 312-814-6756 or ssilverman@atg.state.il.us.

Sincerely,

Cara Smith
Public Access Counselor

By:


Steve Silverman
Assistant Public Access Counselor

cc:



