



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 2, 2010

Ms. Nicole Wickham
Aurora Police Department
Records Division
1200 East Indian Trail Road
Aurora, IL 60506

Re: Pre-Authorization Request – 2010 PAC 10100
FOIA Requester: [REDACTED]

Dear Ms. Wickham:

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

On September 28, 2010, [REDACTED] requested information regarding incident tickets 2010-0061191 and 2010-0077037, and offense reports 2010-001033, 2010-001387, 2010-015794, 2010-016045, 2010-016096, 2010-016097, and 2010-016157.

In its written notice, the Department asserts that certain statements contained within the requested records are notes and recommendations in which opinions have been expressed or policies or actions have been formulated and have been redacted under Section 7(1)(f) of FOIA. The Department further would like to withhold dates of birth under Section 7(1)(c) as being "a clearly unwarranted invasion of privacy."

Determination

Section 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". The exemption defines "unwarranted 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."

The Department's use of the Section 7(1)(c) exemption with regard to dates of birth is **approved**. The information is highly personal by its very nature, and the subjects' right to privacy with respect to this information outweighs any legitimate public interest in obtaining it. Thus, the information is exempt

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from disclosure under Section 7(1)(c) of FOIA, as disclosure would constitute a clearly unwarranted invasion of personal privacy to the subjects of the information.

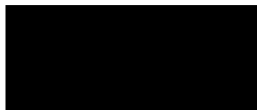
Further, Section 7(1)(f) of FOIA exempts from inspection and copying “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.”

The Department’s use of the Section 7(1)(f) exemption to redact information is **approved**. After review, our office agrees with the Department that the statements in question are notes in which opinions are expressed. Further, the Department has indicated that these documents have not been publicly cited by the head of the Department. Accordingly, the Department has met its burden of demonstrating that the withheld documents are exempt from disclosure under Section 7(1)(f) of FOIA.

If you have any questions or concerns, please feel free to contact our office directly at (312)793-0024. This correspondence shall serve to close this matter.

Sincerely,

cc:



Cara Smith
Public Access Counselor



By: Rebecca Riddick
Assistant Public Access Counselor