



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 7, 2010

Sherry Holmes
FOIA Officer
Macomb Police Department
120 S. McArthur Street
Macomb, Illinois 61455

Re: Pre-Authorization Request – 2010 PAC 10816

Dear Ms. Holmes:

We have received and reviewed the written notice from the Macomb Police Department (Department) 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.

██████████ submitted a FOIA request to the Department on November 15, 2010 seeking Case Report #2009-012505. In its written notice, the Department asserted that "certain statements made by the [alleged] offender" are exempt from disclosure under Section 7(1)(c) of FOIA because "[t]he [alleged] offender was never arrested for this crime and it is clearly an unwarranted invasion of his personal privacy."

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 Department's proposed application of the exemption found in Section 7(1)(c) to deny disclosure of the specified statements contained in the responsive record is approved. We have reviewed the redacted and unredacted copies of the record and have determined that the specified

statements were made by an individual who was neither arrested nor charged for an alleged crime. The statements contain information that is highly personal and disclosure of these statements would be objectionable to a reasonable person. Therefore, the Department has met its initial burden of demonstrating that the specified statements are exempt from disclosure under Section 7(1)(c) of FOIA.

Accordingly, the Department's issuance of a partial denial letter and release of the record with the specified statements redacted were appropriate.

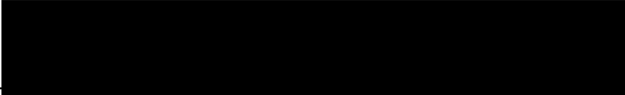

Please note that we offer no advice or opinion as to the Department's application of any exemption other than Section 7(1)(c) of FOIA.

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:

