



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 3, 2010

Sherry Holmes
FOIA Officer
Macomb Police Department
120 South McArthur Street
Macomb, IL 61455

RE: Pre-Authorization Request – 2010 PAC 10919
Requester: LexisNexis

Dear Ms. Holmes:

We have received and reviewed the 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. On November 11, the Department received a FOIA request from LexisNexis seeking report 10-12194 for Criminal Damage to a Vehicle. The Department asserts that dates of birth, a suspect's name, and part of the narrative section of the report are exempt from disclosure under Section 7(1)(c) of FOIA.

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

Determinations

The Department's use of the exemption in Section 7(1)(c) with regard to the dates of birth in the report 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 information is highly personal, and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

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The Department's use of the exemption in Section 7(1)(c) with regard to the suspect's name is approved. The fact of being named as a suspect is highly personal, and because no arrests were made, the subject's right to privacy outweighs any legitimate public interest in disclosing the subject's name. Therefore, releasing this information would constitute a clearly unwarranted invasion of personal privacy as defined in Section 7(1)(c).

Finally, the Department's use of the exemption in Section 7(1)(c) with regard to the part of the narrative the Department proposes to redact is approved. This statement relates solely to highly personal information, and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

The Department should send a partial denial letter directly to LexisNexis and release the report to LexisNexis with the appropriate information redacted. If you have any questions or concerns, feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


Sarah Kaplan
Assistant Public Access Counselor

cc: LexisNexis
P.O. Box 7000
Southeastern, PA 19398

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