



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 6, 2010

Macomb Police Department
Sherry Holmes, FOIA Officer
120 S. MacArthur
Macomb, IL 61455

Re: Pre-authorization request – 2010 PAC 11017

Dear Ms. Holmes:

We have received and reviewed a partial notice of intention to deny issued by the Macomb 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 records regarding [REDACTED]. The Department requested pre-approval to withhold a statement made by [REDACTED] in Report No. 2006-17441.

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 withhold [REDACTED] statement pursuant to Section 7(1)(c) is **approved**. We have reviewed a copy of the statement, which contains information that is highly personal by its very nature. A subject’s right to privacy outweighs any legitimate public interest in the disclosure of this type of information.

The Department intends to withhold additional information pursuant to Section 7(1)(b) (5 ILCS 140/7(1)(b)). We have not analyzed the assertion of that exemption; the assertion of that exemption 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:

A solid black rectangular redaction box covering the signature of Steve Silverman.

Steve Silverman
Assistant Public Access Counselor

cc:

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