



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 6, 2010

Ms. Sherry Holmes
FOIA Officer
Macomb Police Department
120 S. McArthur St.
Macomb, IL 61455

Re: Pre-Authorization Request – 2010 PAC 11028
FOIA Requester: [REDACTED]

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 statements made by the victim in a police report for being exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

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 the statements in question is **denied**. The Department argues that because the statements discuss possible suspects in the case, the release of the statements would be highly personal and objectionable to a reasonable person and that the suspects’ right to privacy outweighs any legitimate public interest in obtaining the information. The suspects were never arrested in connection to this case. However, the statements the Department seeks to redact were made by the requestor, who is also the victim in this case. The Department has not met its burden under section 7(1)(c) because there is no need to protect the privacy of the requester from her own statements contained in the report.

Accordingly, the Department should release the report in accordance with this letter.

Should you have questions or concerns, please feel free to contact me at (312) 814-8413. This correspondence shall serve to close this matter.

Sincerely,

11028 pre-auth 71c sus priv pd

cc:



Cara Smith
Public Access Counselor



By: Rebecca Riddick
Assitant Public Access Counselor