



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

December 3, 2010

Ms. Simone M. Boutet  
Assistant Village Attorney  
Village of Oak Park  
boutet@oak-park.us

RE: Pre-Authorization Request – 2010.PAC.11057

Dear Ms. Boutet:

We have received written notice from the Village of Oak Park (Village) of its intention to withhold certain information from disclosure pursuant to 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 Village seeking a copy of the incident report detailing "██████████'s suicide on 4/12/08." In its written request, the Village has asserted that the entire report is exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) which 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 Village's request for approval of its decision to withhold the report in its entirety pursuant to Section 7(1)(c) is denied.

This Office has reviewed the report and we have determined that the Incident Report and Investigative Action Report contained therein are highly personal by their very nature, and that disclosure of this information would constitute a clearly unwarranted invasion of privacy for the family of [REDACTED]. In this instance, the report details highly sensitive information about the death of [REDACTED]. Further, there exists no legitimate interest in the public obtaining this specific portion of the report. Therefore, the Village may withhold the Incident Report and Investigative Action Report from disclosure.

However, the Village must disclose the Firearms Report, the Death Investigation Checklist and the Firearms Trace Summary to [REDACTED]. Our Office has reviewed these documents and we have concluded there is nothing in these documents that could be considered highly personal or objectionable to the reasonable person. As such, these documents must be tendered to [REDACTED].

In summary, the Village may withhold from disclosure the Incident Report and Investigative Action Report pursuant the Section 7(1)(c) of FOIA. The Village, however, must disclose the Firearms Report, the Death Investigation Checklist and the Firearms Trace Summary to [REDACTED].

Should you have any questions or concerns, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:

[REDACTED]  
Matthew C. Rogina  
Assistant Public Access Counselor

cc: [REDACTED]  
[REDACTED]

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