



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

December 7, 2010

Trooper Kerry Sutton  
FOIA Officer  
801 S. Seventh Street  
P.O. Box 19462  
Joliet, IL 60431

Re: Pre-authorization request – 2010 PAC 11063

Dear Trooper Sutton:

We have received from the Illinois State Police (ISP) a notice of intention to deny disclosure of certain information in response to [REDACTED] request for records under the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended. [REDACTED] requested reports regarding [REDACTED] from the ISP Division of Forensic Services and Identification. ISP requested pre-approval to redact [REDACTED] name and date of birth pursuant to Section 7(1)(c) (5 ILCS 140/7(1)(c)).

Information in public records is exempt 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.*

**Determination**

The request by ISP to redact [REDACTED] name and birth date pursuant to Section 7(1)(c) is **denied**. [REDACTED] was the victim of a homicide. We determined in 2010 PAC 6137 that a victim who dies as a result of crime has no existing personal privacy interest in the disclosure of his or her identity. Likewise, a deceased crime victim has no personal privacy interest in the disclosure of his or her date of birth. Accordingly, [REDACTED] name and date of birth are not exempt from disclosure under Section 7(1)(c).

ISP also requested that [REDACTED] narrow his request for laboratory testing protocols, which ISP characterizes as unduly burdensome pursuant to Section 3(g) (5 ILCS 140/3(g)). We have not analyzed the assertion that [REDACTED] request for testing protocols is unduly burdensome; the assertion that a request is unduly burdensome under Section 3(g) is not contingent upon pre-approval from this office.

This letter shall serve to close this file. If you have any questions, please feel free to contact me at (312) 814-6756 or [ssilverman@atg.state.il.us](mailto:ssilverman@atg.state.il.us).

Sincerely,

Cara Smith  
Public Access Counselor

By:

[REDACTED]  
Steve Silverman  
Assistant Public Access Counselor

cc:

[REDACTED]