



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

December 7, 2010

Ms. Robin Kaler
Associate Chancellor, Public Affairs
University of Illinois
rkaler@illinois.edu

Re: FOIA Pre-Authorization Request 2010 PAC 7299

Dear Ms. Kaler:

The Office of the Public Access Counselor (Office) has reviewed the Pre-Authorization Request submitted to this Office by the University of Illinois (University) and the responsive documents submitted by the University on August 3, 2010.

On March 22, 2010, [REDACTED] submitted a Freedom of Information Act (FOIA) request seeking certain information related to a University police officer. Specifically, the requestor sought copies of citations, tickets and notices to appear written by this particular officer. The University seeks to withhold the names of individuals appearing in these citations, tickets and notices to appear.

On April 26, 2010, the University submitted a Pre-Authorization Request to this Office. In the Request, the University sought our approval to withhold certain documents from disclosure pursuant to 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." *Id.* 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.*

On July 21, 2010, this Office initiated further inquiry into the matter and requested the University supply us with the documents that it seeks to redact pursuant to Section 7(1)(c). On August 3, 2010, the University supplied this Office with a copy of the documents.

Determinations

The University's request for approval of its decision to withhold information pursuant to Section 7(1)(c) is denied.

This Office has reviewed the tickets, citations and notices to appear and we have determined that disclosure of these names would not be considered highly personal or objectionable to the reasonable person. A ticket, citation or notice to appear is a document by which the prosecution for a violation of an ordinance or statute is commenced, and is therefore available for public inspection unless sealed by the court.¹

The University may, however, withhold any 'private information' contained in the documents pursuant to Section 7(1)(b).² Application of Section 7(1)(b) does not require prior approval by the Public Access Counselor.

In summary, the University has not met its initial burden under Section 7(1)(c), and therefore may not redact the names of individuals which appear in the tickets, citations and notices to appear pursuant to Section 7(1)(c) of FOIA.

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:



Matthew C. Rogina
Assistant Public Access Counselor

cc: 

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¹ We note that this information would normally be available for public inspection in the circuit clerk's office. To the extent that the University maintains copies of these documents, however, it is required to furnish them to the requester.

² Section 2(c-5) of FOIA (5 ILCS 140/7(1)(b) defines private information as unique identifiers, such as "a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal e-mail addresses. Private information also includes home addresses and personal license plates, except as otherwise provided by law or when compiled without the possibility of attribution to any person."