



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

Lisa Madigan
ATTORNEY GENERAL

December 8, 2010

Mr. Jay Groves
Assistant to the President
Illinois State University
Campus Box 1000
Normal, IL 61790

RE: Pre-Authorization Request – 2010 PAC 11155
FOIA Requester: [REDACTED]

Dear Mr. Groves:

We have received and reviewed the written notice from the Board of Trustees of Illinois State University (ISU) of its intention to deny disclosure of dates of birth, the names of suspects when no arrest occurred, and the race and other physically indentifying information of individuals named in police records, pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

On November 17, 2010, [REDACTED] submitted a FOIA request seeking “[c]opies of records involving sexual assault at Illinois State University between January 1, 2007, to October 1, 2010” and “[c]opies of the number of sexual assaults reported on campus for 2007, 2008, and 2009.” [REDACTED] also asked for 2010 figures if those were available.

On December 6, 2010, ISU sought our office’s approval to use Section 7(1)(c) withhold:

- Dates of birth
- Physically indentifying information, including the race, of suspects, victims, and others providing information
- Names of suspects not arrested or charged with a crime

11155 pre-auth al dl 71c vic priv sus priv univ

Determination

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.”

ISU’s use of the Section 7(1)(c) exemption with regard to dates of birth is **approved**. The information is highly personal by its very nature, and the subjects’ right to privacy with respect to this information outweighs any legitimate public interest in obtaining it. Thus, the information is exempt from disclosure under Section 7(1)(c) of FOIA, as disclosure would constitute a clearly unwarranted invasion of personal privacy to the subjects of the information.

Additionally, ISU’s use of 7(1)(c) to redact physical descriptions of victims, suspects and witnesses named in the reports is **approved**. The nature of these crimes is highly personal and the individuals’ rights to privacy here outweigh the interests of the public in accessing this information. Therefore, ISU has met its burden in establishing that Section 7(1)(c) shields this information from disclosure.

Further, ISU’s use of 7(1)(c) to redact the names of suspects identified in the reports is **approved**. ISU has indicated that none of the suspects named in any of the reports were arrested or charged with a crime. Being accused of sexual assault is highly personal and having that information released in the absence of an arrest or any charges being filed would be highly objectionable to a reasonable person. The individual’s right to privacy in this instance would outweigh any legitimate public interest in obtaining the information. Therefore, ISU has met its burden in establishing that Section 7(1)(c) shields this information from disclosure.

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,

cc:



Cara Smith
Public Access Counselor



By: Rebecca Riddick
Assistant Public Access Counselor

11155 pre-auth al dl 71c vic priv sus priv univ