



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 8, 2010

Ann Kavanaugh
Records Supervisor
Schaumburg Police Department
1000 W Schaumburg Rd.
Schaumburg, IL 60194-4198

RE: Pre-Authorization Request – 2010 PAC 8680
Requester: [REDACTED]

Dear Ms. Kavanaugh:

We have reviewed the written notice from the Schaumburg Police Department (Department) of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

On July 21, 2010, [REDACTED] submitted a FOIA request seeking "all information regarding RD/CF #10.4514." In its written notice, the Department asserted that the names of individuals and corporations and the dates of birth in the responsive reports are exempt from disclosure under Section 7(1)(c) of FOIA. The Department also asked us to consider whether the reports are exempt in their entirety under Section 7(1)(c).

Section 7(1)(c) of FOIA 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.*

Determinations

We have determined that although some of the information in these documents is exempt from disclosure, these documents also contain non-exempt information. When a public record contains non-exempt information as well as exempt information, the public body may redact the exempt information, but must release the remainder of the document. 5 ILCS 140/7(1). Therefore, the Department may not deny this request in full, but may redact exempt information as discussed below.

Names of Individuals

The Department's use of the exemption in Section 7(1)(c) with regard to the names of individuals is approved. The disagreement described in these reports is highly personal, and the individuals involved have a strong privacy interest in keeping their identities confidential. The subjects' right to privacy outweighs any legitimate public interest in obtaining the names of the individuals involved. Therefore, the Department has met its initial burden of showing that the names of individuals in these reports are exempt under Section 7(1)(c).

Names of Corporations

The Department's assertion of the exemption in Section 7(1)(c) to withhold the names of the corporations involved is denied. Under FOIA, public bodies have the burden of showing that information is exempt from disclosure by clear and convincing evidence. 5 ILCS 140/1.2. The Department's argument for redacting the names of the corporations in these reports is that disclosure could negatively impact the company, and that the Department did not feel there was a strong public interest in disclosure because the reports discuss a civil matter, not a criminal matter. Initially, we note that because these are organizations and not individuals, they do not have personal privacy interests which are protected by Section 7(1)(c) of FOIA. Further, contrary to the Department's contentions, we recognize a strong public interest in the disclosure of allegations of fraudulent activities which may affect the workings of these corporations. For these reasons, we conclude that the Department did not meet its burden of proving by clear and convincing evidence that these names of corporations are exempt under Section 7(1)(c).

Dates of Birth

The Department's use of the exemption in Section 7(1)(c) with regard to the dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). This type of information is highly personal, and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

The Department should issue a partial denial letter directly to [REDACTED] and release the reports to her with the appropriate information redacted in accordance with this letter. If you have any questions, please feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

[REDACTED]
Sarah Kaplan
Assistant Public Access Counselor

cc: [REDACTED]

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