



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 21, 2010

Mr. Skip Bradshaw
Freedom of Information Officer
City of Jacksonville
Municipal Building
200 West Douglas
Jacksonville, Illinois 62650

RE: Pre-Authorization Request — 2010 PAC 8503

Dear Mr. Bradshaw:

We have received and reviewed the written notice from the City of Jacksonville of its intention to deny disclosure of certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

Reporters Maria Nagle and Cody Bozarth of the *Journal-Courier*, submitted a FOIA request dated July 6, 2010, seeking copies of a number of police reports including report #2010-014321, which was sent to this office for preauthorization review. In its written notice, the City asserted that a victim's name and the name of an individual who provided information to law enforcement are exempt from disclosure under Section 7(1)(c) of FOIA.

Determination

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.*

The City's use of Section 7(1)(c) to withhold a victim's name is approved. We have determined that disclosure of this information would constitute a clearly unwarranted invasion of privacy because it pertains to a sensitive matter. This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. Accordingly, the City has met its initial burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

The City's use of the exemption in Section 7(1)(c) with regard to the individual who provided information

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to law enforcement is also approved. We have determined that disclosure of this information would constitute a clearly unwarranted invasion of privacy because it pertains to a sensitive matter. This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. Accordingly, the City has met its initial burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA. In addition, the City may also consider the exemption found in Section 7(1)(d) (iv) for the name of the individual who provided information to law enforcement. Use of exemption 7(1)(d) does not require preapproval from this office.

As such, the City may issue a partial denial letter directly to the requesters and release the record to them with the appropriate information redacted.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Amalia Rioja by EK
Amalia Rioja
Chief Deputy Public Access Counselor

cc: Maria Nagle and Cody Bozarth
Reporters
Journal-Courier
235 West State Street
Jacksonville, Illinois 62651

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