



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 29, 2010

Kevin Finlon
Freedom of Information Officer
Village of Lake Zurich
70 East Main Street
Lake Zurich, IL 60647-2416

RE: Pre-Authorization Request — 2010 PAC 11414

Dear Mr. Finlon:

We have received and reviewed the written notice from the Village of Lake Zurich 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.

██████████ submitted a FOIA request dated December 10, 2010, seeking police report number 2010-07855. In its written notice, the Village asserted that certain portions of the requested report 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 Village's use of the exemption in Section 7(1)(c) to redact certain portions of the requested report is approved. We have determined that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). 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 Village has met its initial burden to demonstrate that the redacted information is exempt under Section 7(1)(c).

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The Village may also use the exemption in Section 7(1)(c) to withhold the victim's name. Use of this exemption for the victim's name is approved. As such, the Village may issue a partial denial letter directly to the requester and release the records 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: AA

Amalia Rioja
Chief Deputy Public Access Counselor

cc:



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