



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

December 27, 2010

P.O. Michael Kelly #15838  
Assistant Freedom of Information Officer  
Chicago Police Department  
Records Inquiry Section, Unit 163  
3510 S. Michigan Ave., Room 1027SE

RE: Pre-Authorization Request – 2010 PAC 6107  
Requester: Michael Arcilesi, WDIV-TV4

Dear Officer Kelly:

We have received and reviewed the notice from the Chicago Police Department (CPD) 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 140/7(1)(c). On February 23, 2010, Mr. Arcilesi requested all CPD incident reports involving a certain named individual. CPD notified this Office of its intention to deny the request in its entirety, asserting that the information in these reports is exempt from disclosure under multiple exemptions, including the exemption in 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 the disclosure is consented to in writing by the individual subjects of the information.” 5 ILCS 140/7(1)(c). 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**

CPD’s use of the exemption in Section 7(1)(c) with regard to these reports in their entirety is approved. Because of the wording of the request, the identity of the individual involved cannot be protected simply by redacting all identifying information. In these reports, the individual named in the request was either an alleged victim of a crime or an alleged suspect, but he was not arrested. The fact that one has been a victim of a crime or accused of a crime is highly personal information, and the subject’s right to privacy outweighs any legitimate public interest in

disclosure of this information. Therefore, CPD has met its initial burden of showing that this information is exempt under Section 7(1)(c).

Accordingly, CPD should send a denial letter directly to Mr. Arcilesi. If you have any questions or concerns, feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:



Sarah Kaplan  
Assistant Public Access Counselor

cc: Michael Arcilesi  
by email: michaela@wdiv.com