



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 22, 2010

Todd E. Rent
Human Relations/Compliance Officer
City of Urbana
400 S. Vine Street
Urbana, Illinois 61801

Re: Pre-Authorization Request – 2010 PAC 11370

Dear Mr. Rent:

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

Mark Brunswick of the Star Tribune submitted a FOIA request to the City on December 6, 2010 seeking the following information:

Police reports and any other documents generated from a Sept. 1 incident that involved [REDACTED] of [REDACTED], a soldier from Fort Campbell, Ky., at the Comfort Suites Hotel in Urbana. Police were requested to check on the welfare of [REDACTED] by military police at Fort Campbell.

In its written notice the City asserted that the responsive documents are exempt from disclosure under the personal privacy exemption found in Section 7(1)(c) of FOIA. The City stated that "[b]ecause the requester is clearly aware of Mr. Campbell's identity, the nature and the location of the call, release of additional details would serve only to embarrass and stigmatize [REDACTED] [REDACTED]".

Section 7(1)(c) of FOIA (5 ILCS 140/7(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, unless disclosure is consented to in writing by the individual subjects of the information." *Id.* 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.*

Determination

The City's proposed application of the exemption found in Section 7(1)(c) of FOIA to deny disclosure of the responsive records is approved. We have reviewed copies of the responsive documents provided by the City and have determined that release of these records would constitute an unwarranted invasion of personal privacy. The information contained in the records is highly personal and disclosure of these records would be objectionable to a reasonable person. Therefore, the City has met its initial burden of demonstrating that the responsive documents are exempt from disclosure under Section 7(1)(c) of FOIA.

Accordingly, the City may issue a denial letter withholding the responsive documents from disclosure.

If you have any questions, please feel free to contact me at (312) 814-1003 or joleary@atg.state.il.us. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: 

Jessica O'Leary
Assistant Attorney General

cc: Mark Brunswick
Star Tribune
425 Portland Avenue
Minneapolis, Minnesota 55406