



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 5, 2011

Detective Chuck Tortorello
Freedom of Information Officer
Village of Norridge Police Department
4020 North Olcott Avenue
Norridge, Illinois 60706-1134

RE: Pre-Authorization Request — 2010 PAC 11487

Dear Detective Tortorello:

We have received and reviewed the written notice from the Village of Norridge Police 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.

██████████ submitted an undated FOIA request, seeking a copy of report number 10-09651. In its written notice, the Department asserted that the following information is exempt from disclosure under Section 7(1)(c) of FOIA: dates of birth, home addresses, bank account numbers, telephone numbers, suspects' names and statements, criminal history information, third party names, employment information and the sex and race of individuals.

Determinations

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 Department's use of the exemption in Section 7(1)(c) with regard to 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). 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.

The Department may also redact the name of a suspect who was not arrested or charged with any offense

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and the statement the suspect made to the police. We have determined that disclosure of the identity of suspects who were not arrested or charged with an offense would constitute a clearly unwarranted invasion of personal privacy. Being named as a suspect when all suspicion could be unfounded is highly personal information, and the subject's right to privacy outweighs any legitimate public interest in obtaining this information.

Home addresses, telephone numbers and bank account numbers may be redacted as "private information" under Section 7(1)(b), which does not require pre-authorization from our office.

The Department's use of the exemption in Section 7(1)(c) to withhold the balance of the redacted information in the report is denied. We have determined that the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). The Department has not met its burden of establishing 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). Under these circumstances, the Department may wish to submit a new pre-authorization request to the Office of the Public Access Counselor along with a detailed factual basis for asserting the exemption.

Accordingly, if you have not already done so, please provide the redacted documents to the requester according to the above determinations. 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,

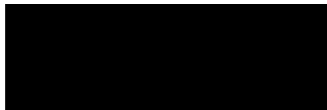
Cara Smith
Public Access Counselor

By:



Amalia Rioja
Chief Deputy Public Access Counselor

cc:



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