

## OFFICE OF THE ATTORNEY GENERAL STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 6, 2011

Trooper Kerry Sutton
Freedom of Information Act Officer
Illinois State Police
Kerry\_Sutton@isp.state.il.us

RE: Pre-Authorization, Request – 2010 PAC 11573

Dear Trooper Sutton:

We have received and reviewed the written notice from the Illinois State Police of its intention to withhold certain information as exempt from disclosure under Section 7(1)(c) and Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 et seg., as amended.

On December 1, 2010, submitted a FOIA request to ISP seeking "all financial resources provided to

On December 28, 2010, ISP submitted its Pre-Authorization Request to this Office. In its written request, ISP has asserted dates of birth contained in certain records were exempt from disclosure pursuant to Section 7(1)(c), of FOIA (5 ILCS 140/7(1)(c)) which 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*.

ISP also asserted that certain findings contained in an investigative report was exempt from disclosure pursuant to Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)) which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body."

## **Determination**

ISP's request for approval of its decision to withhold certain information in the incident report pursuant Section 7(1)(f) and Section 7(1)(c) is approved.

In this instance, ISP seeks to withhold certain notes and opinions expressed in the incident report. Upon review of the unredacted version of the incident report, we conclude that notes and opinions made by the investigators fall within the scope of Section 7(1)(f). Additionally, there is no evidence that this information has been publicly cited or identified by the head of the public body.

ISP may also redact the date of births of individuals named in the incident report. Disclosure of a date of birth could be considered highly personal or objectionable to the reasonable person. Additionally, there exists no legitimate public interest in the disclosure of this information.

In summary, ISP has met its initial burden pursuant to Section 7(1)(c) and Section 7(1)(f) and may redact the above information.

Should you have any questions or concerns, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

Bv:

Matthew C. Rogina Assistant Public Access Counselor



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