



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 6, 2011

Ann Kavanaugh
Records Supervisor
Schaumburg Police Department
1000 W. Schaumburg Road
Schaumburg, Illinois 60194-4198

RE: Pre-Authorization Request — 2010 PAC 11577

Dear Ms. Kavanaugh:

We have received and reviewed the written notice from the Schaumburg 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 a FOIA request on December 21, 2010, seeking a copy of a police report involving an incident at Nordstrom Rack. In its written notice, the Department asserted that dates of birth, suspects' names and third party names 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 Department's use of the exemption in Section 7(1)(c) with regard to dates of birth is approved.

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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's use of the exemption in Section 7(1)(c) with regard to the names of suspects, who have not been arrested, is also approved. We have determined that the disclosure of information identifying suspects would be objectionable to a reasonable person. Accordingly, the Department has met its burden of demonstrating that this information is exempt from disclosure pursuant to Section 7(1)(c) of FOIA.

The Department's use of the exemption in Section 7(1)(c) with regard to other third party names is also approved. We have determined that the disclosure of this information would be highly objectionable to a reasonable person. The subjects' right to privacy outweighs any legitimate public interest in obtaining this information. Therefore, the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c). As such, the Department may issue a partial denial letter directly to the requester and release the records in accordance with this letter.

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 EK

Amalia Rioja
Chief Deputy Public Access Counselor

cc:

