



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

January 3, 2011

Ms. Cindy Smiley  
Freedom of Information Office  
City of Woodstock  
121 W. Calhoun St.  
Woodstock, IL 60098

RE: FOIA Pre-Authorization Request - 2010 PAC 8461

Dear Ms. Smiley:

We have received and reviewed the written notice from the City of Woodstock of its intention to deny disclosure of police report 10-887, pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7), 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."

Specifically, on July 7, 2010, [REDACTED] submitted a FOIA request to the City for a copy of police report 10-887. [REDACTED] is the apartment manager for the building where the incident addressed in report 10-887 occurred.

On July 14, 2010, the Public Access Counselor (PAC) received a Pre-Authorization Request from the City to deny [REDACTED] request pursuant to Section 7(1)(c) of FOIA.

On July 21, 2010, our office determined that further inquiry was warranted into this matter to determine whether the requested records met the standard set forth in Section 7(1)(c). We asked that the City submit an unredacted copy of the report requested by [REDACTED] in order to conduct our review.

On August 6, 2010, the City provided our office with the unredacted report and its response to our further inquiry letter. The City argued that the police report contained "highly personal information" and, therefore, disclosure would constitute a "clearly unwarranted invasion" of the subjects' personal privacy. We have reviewed the report to determine whether it may be withheld under 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 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 of privacy outweighs any legitimate public interest in obtaining the information." *Id.*

**Determination**

8461 pre-auth al dl 71c vic priv med inf dob mun

After review of the documents in question, our office has determined that the City's use of the exemption in Section 7(1)(c) to withhold the report in whole is **denied**. The subject is deceased and, because of the coroner's involvement in the case, information relating to the cause of death is public information. As such, the City should release the report to the requestor.

However, the City's may use the Section 7(1)(c) exemption to redact dates of birth contained in the report. The information is highly personal by its very nature, and the subjects' right to privacy with respect to this information outweighs any legitimate public interest in obtaining it. Thus, the information is exempt from disclosure under Section 7(1)(c) of FOIA, as disclosure would constitute a clearly unwarranted invasion of personal privacy to the subjects of the information.


Further, the City may consider the use of exemption in Section 7(1)(d)(iv), which allows public bodies to withhold information contained in police reports that would "unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies." 5 ILCS 140/7(1)(d)(iv).

This letter does not provide an opinion or advice regarding whether additional redactions may be available under other sections of FOIA.

As such, the City should issue a partial denial letter directly to the FOIA requester in accordance with this letter. Should you have questions or concerns, please feel free to contact me at (312) 814-8413. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:   
Rebecca Riddick  
Assistant Public Access Counselor

cc:

