



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL
January 6, 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 8462

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 09-15070, 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 09-15070. [REDACTED] is the apartment manager for the building where the incident addressed in report 09-15070 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 3, 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 disclosure could create an "embarrassment" for the subjects. 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

8462 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**. One of the subjects named in the requested report was arrested and charged in conjunction with the incident. Section 2.15(a) of FOIA requires that public bodies release certain information regarding arrest records. 5 ILCS 140/2.15(a).

However, the City's use of the Section 7(1)(c) exemption to redact dates of birth contained in the report is **approved**. 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.

Additionally, the City's use of the Section 7(1)(c) exemption to redact information that would identify the victim is **approved**. The victim's rights to privacy here outweigh the interests of the public in accessing this information. These redactions may include the victim's name and any information that would identify the victim. Therefore, the City has met its burden in establishing that Section 7(1)(c) shields this information from disclosure.

Also, the City's use of Section 7(1)(c) to redact narrative portions relating to the victim's injuries and medical treatment information is **approved**. This information, by its very nature, is highly personal and any legitimate interest of the public in obtaining it is outweighed by the victim's right to privacy. Therefore, the City has met its burden in establishing that Section 7(1)(c) shields this information from disclosure.

Further, the City may consider the use of exemptions in Sections 7(1)(d)(iv) and 7(1)(d)(vi). Section 7(1)(d)(iv) 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). Section 7(1)(d)(vi) allows public bodies to withhold information contained in police reports that would "endanger the life or physical safety of law enforcement personnel or any other person." 5 ILCS 140/7(1)(d)(vi).

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:

