



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 12, 2011

Ms. Sherry Holmes
FOIA Officer
Macomb Police Department
120 S. McArthur St.
Macomb, IL 61455

Re: Pre-Authorization Request – 2011 PAC 11756
FOIA Requester: [REDACTED]

Dear Ms. Holmes:

We have received and reviewed the written notice from the Macomb Police Department (Department) of its intention to deny disclosure of dates of birth and a suspect's name in a police report as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

Section 7(1)(c) 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". The exemption defines "unwarranted 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."

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

Further, the Department's use of the section 7(1)(c) exemption with regard to the suspect's name is **approved**. The Department explains that because the suspect was never arrested, the release of his or her name would be highly personal and objectionable to a reasonable person and that the subject's right to privacy outweighs any legitimate public interest in obtaining the information. After reviewing the documents in question, we have determined that the suspect's name may be withheld under Section 7(1)(c). Being named a suspect in connection with a crime is highly personal and releasing that information without an arrest or charges being brought would be objectionable to a reasonable person. At this point, the suspects' right to privacy in this regard outweighs any legitimate public interest in obtaining the information.

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Accordingly, the Department may redact the suspect's name and identifying information and release the remainder of the report 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:

