



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 14, 2011

Commander Kevin Finlon
Freedom of Information Officer
Lake Zurich Police Department
70 E. Main Street
Lake Zurich, Illinois 60047

Re: Pre-Authorization Request – 2010 PAC 5569

Dear Commander Finlon:

Thank you for providing the additional information we requested in response to a written notice from the Lake Zurich Police Department (Department) of its intention to deny disclosure of certain information as exempt under Section 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

In a FOIA request submitted to the Department on January 20, 2010, [REDACTED] sought records pertaining to police calls and incident reports relating to the address [REDACTED] and its residents.

In its written notice the Department asserted that specific information contained in police incident reports is exempt from disclosure under Section 7(1)(c) of FOIA.

Section 7(1)(c) (5 ILCS 140/7(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.*

Determination

First, the Department's proposed application of the exemption found in Section 7(1)(c) with regard to dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). This

type of information is highly personal by its very nature and the subjects' right to privacy outweighs any legitimate public interest in disclosing this information.

Second, the Department's proposed application of the exemption found in Section 7(1)(c) to deny disclosure of specific portions of text found in the narrative of responsive police incident reports is approved. We have reviewed redacted and unredacted copies of the responsive documents provided by the Department and have determined that the information contained in the redacted text is highly personal and the subjects' right to privacy outweighs any legitimate public interest in disclosing this information.

Therefore, the Department has met its initial burden of demonstrating that dates of birth and the specified narrative text are exempt from disclosure under Section 7(1)(c) of FOIA. Accordingly, the Department's issuance of a partial denial letter and release of the records with the specific information redacted was appropriate.

Please note, we offer no advice or opinion as to the Department's application of any exemption other than Section 7(1)(c) of FOIA.

If you have any questions, please feel free to contact me at (312) 814-1003 or joleary@atg.state.il.us. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

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Jessica O'Leary
Assistant Attorney General

cc: