



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 14, 2011

Janet K. Traven
City Clerk
City of Joliet
150 W. Jefferson Street
Joliet, Illinois 60432

RE: Pre-Authorization Request – 2010 PAC 8039

Dear Ms. Traven:

We have received and reviewed the written notice from the City of Joliet 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 dated June 9, 2010, seeking copies of the documents described in her correspondence. In its written notice, the City asserted that dates of birth, suspects' names and victims' names are exempt from disclosure under Section 7(1)(c) of FOIA.

Determinations

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."

The City's use of the exemption 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). 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 City's use of the exemption in Section 7(1)(c) with regard to the names of suspects, who were not arrested or charged with any offense, is also approved. We have determined that

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disclosure of the identity of suspects who were not arrested or charged with an offense would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). Being named as a suspect when all suspicion could be unfounded is highly personal information, and the subject's right to privacy outweighs any legitimate public interest in obtaining this information.

Finally, the City's use of the exemption in 7(1)(c) with regard to victims' names is approved. We have determined that disclosure of this information would also constitute a clearly unwarranted invasion of privacy under Section 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.

Accordingly, the City has met its burden of demonstrating that the information discussed above is exempt from disclosure under Section 7(1)(c) of FOIA. As such, the City may issue a partial denial letter directly to the requester and release the records in accordance with this letter.

With regard to some of the other information the City seeks to withhold, it may consider the use of the exemption in Section 7(1)(b), 5 ILCS 140/7(1)(b), which does not require pre-authorization from our office. This letter gives no advice or opinion with regard to any other exemptions.

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:

