



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 20, 2011

Robert Burden
FOIA Officer
City of Loves Park
100 Heart Boulevard
Loves Park, Illinois 61111

RE: Pre-Authorization Request – 2010 PAC 10640

Dear Mr. Burden:

We have received and reviewed the written notice from the City of Loves Park 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 October 26, 2010, seeking copies of the police reports described in his request letter. In its written notice, the City asserted that the name of an arrestee, the name and title of a hospital worker, a VIN number, other third party names, addresses, and a license plate number are exempt from disclosure under Section 7(1)(c) of FOIA. This letter does not address the deletion of dates of birth because the requester indicated on his request for records that the City can redact dates of birth, if applicable.

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 the name of an arrestee, the name

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and job title of a hospital worker and a VIN number is denied. We have determined that the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). The City has not met its burden establishing a basis for redacting this type of information.

The City's use of the exemption in Section 7(1)(c) to withhold third parties names is approved. We have determined that the disclosure of these names 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.

As such, the City may issue a partial denial letter directly to the requester and release the records in accordance with this letter.

Please note that addresses and a license plate number may be redacted as "private information" under Section 7(1)(b), which does not require pre-authorization from our office.

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 e.k.

Amalia Rioja
Chief Deputy Public Access Counselor

cc:



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