



**OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS**

Lisa Madigan  
ATTORNEY GENERAL

January 31, 2011

Trooper Kerry Sutton  
Illinois State Police  
801 S. Seventh St., Suite 1000-S  
P.O. Box 19461  
Springfield, IL 62794-9461

RE: FOIA Preauthorization Request 2011 PAC 12014

Dear Trooper Sutton:

The Office of the Public Access Counselor has received and reviewed the written notice from the Illinois State Police of its intention to deny, in part, a request by [REDACTED] for information under the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.* [REDACTED] requested certain records from case number 01-02-018273, a sexual assault case, including ballistic and forensic reports, fingerprints, DNA testing, and out-of-court statements.

The State Police intends to disclose the requested records to [REDACTED] but it seeks preauthorization from this office to redact the name of the victim pursuant to Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)), on the basis that disclosure of the victim's name would constitute a clearly unwarranted invasion of personal privacy. For purposes of FOIA, an "[u]nwarranted invasion of personal privacy means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs the legitimate public interest in obtaining the information." 5 ILCS 140/7(1)(c).


Under Section 7(1)(c), the privacy interests of the victim must be balanced against the legitimate public interest in obtaining the information. 5 ILCS 140/7(1)(c). We have determined that the privacy interests of the victim outweigh the public interest in obtaining disclosure of the victim's name. Therefore, the State Police's request to assert the exemption under Section 7(1)(c) with respect to the victim's identity is approved and further inquiry into this matter is not warranted.

If you have any questions, please feel free to contact me at 312-814-2770. This correspondence will serve to close the matter.

Sincerely,

Amalia Rioja  
Acting Public Access Counselor

By:

  
John Schmidt  
Assistant Attorney General

cc:



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