



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 8, 2011

Terri Kincaid
Deputy Chief
Gurnee Police Department
100 N. O'Plaine Road
Gurnee, IL 60031

RE: Pre-Authorization Request — 2011 PAC 12088

Dear Deputy Chief Kincaid:

We have received and reviewed the written notice from the Gurnee Police Department 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 January 25, 2010, seeking police report number 10-44839. In its written notice, the Department asserted that certain narrative portions are exempt from disclosure under Section 7(1)(c) of FOIA.

Determination

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

The Department's use of the exemption in Section 7(1)(c) with regard to certain narrative portions is approved. We have determined that the disclosure of this information 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. Therefore, the Department has met its initial burden demonstrating that the redacted information is exempt under Section 7(1)(c). As such, the Department may issue a partial denial letter directly to the requester

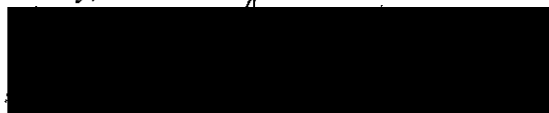
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and release the records with the appropriate information redacted.

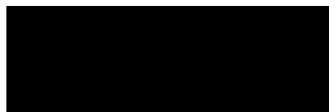
If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

A large black rectangular redaction box covering the signature of Amalia Rioja.

Amalia Rioja
Acting Public Access Counselor

cc:

A black rectangular redaction box covering the list of recipients in the cc field.

12088 preauth dl 71c priv pd