



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

January 31, 2011

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

RE: Pre-Authorization Request – 2010.PAC 8151

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 as exempt from disclosure under 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 17, 2010, seeking a copy of report number 10-011032. In its written notice, the City asserted that victims' names, a complainant's name, home addresses, telephone numbers and dates of birth are exempt from disclosure under Section 7(1)(c) (5 ILCS 140/7(1)(c)).

**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 the disclosure is consented to in writing by the individual subjects of the information." *Id.* 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.*

First, the City's use of the Section 7(1)(c) exemption with regard to victims' names is approved. We have determined that the disclosure of a victim's name 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 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 name of a complainant is also approved. We have determined that the disclosure of this information would be highly objectionable to a reasonable person. The subject's right to privacy outweighs any legitimate

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public interest in obtaining this information. Therefore, the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c).

Third, home addresses and telephone numbers fall within the Section 7(1)(b) (5 ILCS 140/7(1)(b)) exemption for private information. Use of exemption 7(1)(b) to partially deny disclosure of public records does not require preapproval from our office.

Finally, 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). 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.

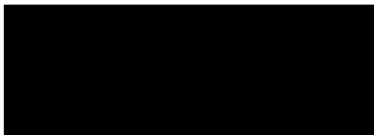
If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,



Amalia Rioja  
Acting Public Access Counselor

cc:



*8151 pre-auth al vic priv priv dob pd*