



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

February 1, 2011

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

RE: Pre-Authorization Request 2010 PAC 9127

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 August 4, 2010, seeking copies of the documents described in his request letter. In its written notice, the City asserted that the following are exempt from disclosure under Section 7(1)(c) (5-ILCS 140/7(1)(c)): the names of complainants and victims, addresses, telephone numbers, and the sex, race and age of individuals. 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 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 the names of complainants and victims 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). 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.

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Second, 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 the sex, age and race of individuals 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). This type of information is not highly personal and the subject's right to privacy does not outweigh any legitimate public information in disclosing this information. The City has not met its burden of establishing that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c).

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

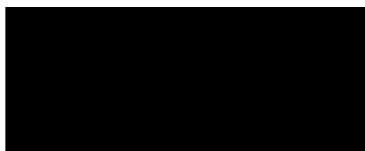
If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,



Amalia Rioja  
Acting Public Access Counselor

cc:



*9127 pre-auth al dl vic priv wit priv pd*