



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 17, 2011

Ms. Ann Kavanaugh
Freedom of Information Act Officer
Village of Schaumburg Police Department
1000 W. Schaumburg Road
Schaumburg, IL 60194

RE: Pre-Authorization Request — 2011 PAC 12140

Dear Ms. Kavanaugh:

We have received and reviewed the written notice from the Department of Schaumburg 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.

On January 24, 2011, [REDACTED] submitted a FOIA request to the Department seeking all reports in which he is referenced.

In its January 28, 2011 written notice, the Department asserted that dates of birth, the reference to an October 18, 2006 incident and certain personal information about another individual are exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) which 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."

Determination

The Department's request for approval of its decision to withhold information in the reports pursuant to Section 7(1)(c) is approved.

This Office finds that disclosure of the dates of birth of individuals in the report that are not the requester is highly personal and objectionable to the reasonable person and that there exists no legitimate public interest in its disclosure.

With regard to the personal information about another individual contained in Report No. 08-3072, we have reviewed this information and concluded that it contains highly sensitive information about someone unrelated to the requester. Disclosure of this information would be highly personal or objectionable to that person and there exists no legitimate public interest in its disclosure.

Finally, the Department seeks to redact a reference in Report No. 06-3997 to an October 18, 2006 incident unrelated to the requester. In a February 16, 2011 conversation with a representative of the Office of the Public Access Counselor, the Department confirmed that the reference to this incident did not involve the requester and no arrests were made. Therefore, disclosure of this information would constitute a highly unwarranted invasion of personal privacy under Section 7(1)(c).

Accordingly, the Department should release the report to [REDACTED] with the redactions specified above. Should you have any questions or concerns, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

[REDACTED]

Matthew C. Rogina
Assistant Public Access Counselor

cc:

[REDACTED]

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