



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 14, 2011

Tammy Maher
Freedom of Information Officer
Palatine Police Department
200 East Wood St.
Palatine, IL 60067

RE: Pre-Authorization Request — 2011 PAC 12171

Dear Ms. Maher:

We have received and reviewed the written notice from the Palatine 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.

An anonymous requester submitted a FOIA request dated January 20, 2011, seeking various police reports. In its written notice, the Department asserted that dates of birth, medical information, third-party names, victim names and report narratives for all but one report are exempt from disclosure under Section 7(1)(c) (5 ILCS 140/7(1)(c)).

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." *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.*

The Department'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. Therefore, the Department has met its initial burden demonstrating that the redacted information is exempt under Section 7(1)(c).

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The Department's use of the exemption in Section 7(1)(c) with regard to victim names and third-party names 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. Therefore, the Department has met its initial burden demonstrating that the redacted information is exempt under Section 7(1)(c).

The Department's use of the exemption in Section 7(1)(c) with regard to a medical condition 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). 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).

The Department's use of the exemption in Section 7(1)(c) with regard to the police report narratives for all but one report 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). 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).

However, the Department's use of the exemption in Section 7(1)(c) with regard to the narrative in police report number 09-10320 is denied. We have determined that the disclosure of this narrative, save for the items approved to be withheld above, would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). This information may not be withheld as it contains arrest report information that, pursuant to Section 2.15(a), must be public. 5 ILCS 140/2.15(a). Please note that FOIA specifically requires arrest information to be provided with sufficient information to identify the arrestee – including name, age, address, and photographs when available. *Id.* This information cannot be withheld under the Section 7 exemptions. Therefore, the Department has not 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 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.

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Sincerely,

Amalia Rioja by: AA

Amalia Rioja
Acting Public Access Counselor

cc: 

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