



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 16, 2011

Ann Kavanaugh
Records Supervisor
Schaumburg Police Department
1000 W. Schaumburg Road
Schaumburg, IL 60194-4148

RE: Pre-Authorization Request — 2011 PAC 12202

Dear Ms. Kavanaugh:

We have received and reviewed the written notice from the 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.

Teresa Papaioanou submitted a FOIA request dated February 1, 2011, seeking various police reports. In its written notice, the Department asserts that reports 10-25849, 09-33326, 09-29174, 10-15787, 10-21320 and 10-15502 are exempt from disclosure under Section 7(1)(c) of FOIA. The Department argues that the requester is not mentioned in any of the requested reports, nor is there a relationship with the parties involved that would entitle her to these reports. Therefore, the Department claims that the privacy interests of the individuals referenced in the requested documents outweighs any legitimate public interest in obtaining the information. There were no arrests in connection to any of the incidents in the withheld reports.

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 the above mentioned reports, in their entirety, is approved. We have determined that the disclosure of these reports

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would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). The type of information contained in the reports 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 of 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.

Sincerely,



Amalia Rioja
Acting Public Access Counselor

cc: Teresa Papaioanou
tpapaioanou@penobscot.net

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