



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 15, 2011

Mr. Robert Legg
Records Supervisor
Roselle Police Department
rlegg@roselle.il.us

RE: Pre-Authorization Request – 2011 PAC 12314

Dear Mr. Legg:

We have received and reviewed the written notice from the Roselle Police Department of its intention to withhold 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.

On February 1, 2011 [REDACTED] submitted a FOIA request to the Department seeking a copy of a November 13, 2010 police report.

On February 9, 2011 the Department submitted its Pre-Authorization Request to this Office. In its written request, the Department stated that dates of birth and certain victim statements are exempt from disclosure pursuant to 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.”
Id.

Determinations


The Department's request for approval of its decision to withhold certain statements and dates of birth pursuant to Section 7(1)(c) is approved. We find that the statements in question are highly personal by their very nature and that the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

In addition, the Department may redact the dates of birth contained in the report. Disclosure of this information can be considered highly personal or objectionable to the reasonable person. Further, there exists no legitimate public interest that outweighs the right to privacy in this matter.

Accordingly, the Department has met its initial burden with regard to the date of birth and victim statements and may redact this information pursuant to Section 7(1)(c).

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,


Matthew C. Rogina
Assistant Public Access Counselor

cc: 


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