



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 15, 2011

Officer Rory O'Brien
Assistant Freedom of Information Act Officer
Chicago Police Department
rory.obrien@chicagopolice.org

RE: Pre-Authorization Request - 2010 PAC 8212

Dear Officer O'Brien:

We have received and reviewed the written notice from the Chicago 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 June 18, 2010, [REDACTED] submitted a FOIA request to CPD seeking a copy of Report No. HL471587.

On June 25, 2010 CPD submitted its Pre-Authorization Request to this Office. In its written request, CPD stated that statements of the victims, witnesses, and co-offender 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.*

Determination


CPD's request for approval of its decision to withhold certain statements pursuant to Section 7(1)(c) is approved in part and denied in part. First, we find that the statements of the victims are highly personal by their very nature. As such, the victim's right to privacy outweighs any legitimate public interest in disclosing this information.

Second, this Office concludes that the identity of the arrested co-offender does not properly fall within the scope of Section 7(1)(c). A legitimate public interest exists in the disclosure of the identity of a person arrested for a crime under Section 2.15(a) of FOIA that outweighs the co-offender's right to privacy in this matter. Accordingly, CPD may not withhold the identity of the arrested co-offender under Section 7(1)(c).

Finally, CPD may seek to withhold witness statements pursuant to Section 7(1)(d)(iv) which exempts from inspection and copying information that would "unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies ..." Application of the Section 7(1)(d)(iv) exemption does not require pre-approval from our Office.

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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