



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 15, 2011

Mr. Cameron Davis
Village Administrator
Village of Cary
655 Village Hall Drive
Cary, Illinois 60013-2599

RE: Pre-Authorization Request – 2010 PAC 9380

Dear Mr. Davis:

We have received and reviewed the written notice from the Village of Cary 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 August 24, 2010, Crystal Lindell, a reporter formerly with the *Northwest Herald*, submitted a FOIA request to the Village seeking information relating to former Police Chief Ron Delelio.

On September 13, 2010, the Village submitted its Pre-Authorization Request to this Office. In its written request, the Village seeks to withhold a single memorandum 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.*

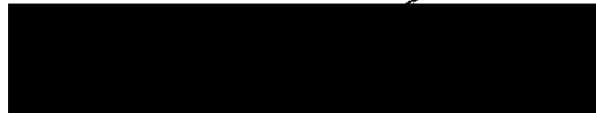
Determinations

The Village's request for approval of its decision to withhold the memorandum pursuant to Section 7(1)(c) is approved. Upon review of the memorandum, we have determined that disclosure of this information would constitute a clearly unwarranted invasion of personal privacy because it pertains to a sensitive matter relating to a former Police Chief. The type of information contained in the memorandum is highly personal by its very nature and does not pertain directly to the performance of his duties as a public officer. Accordingly, the former Police Chief's right to privacy outweighs any legitimate public interest in disclosing this information.

Accordingly, the Village has met its initial burden under Section 7(1)(c) and may withhold the memorandum.

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,

A large black rectangular redaction box covers the signature area of the letter.

Matthew C. Rogina
Assistant Public Access Counselor

cc: Ms. Tara Semenchuk
Assistant Village Manager, Village of Cary
655 Village Hall Drive
Cary, Illinois 60013-2599

Mr. Dan McCaleb
Northwest Herald
dmccaleb@nwherald.com

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