



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 23, 2011

Ms. Denise E. Wills
FOIA Officer
Huntley Police Department
10911 Main Street
Huntley, IL 60142

RE: Pre-Authorization Request – 2011 PAC 12375
FOIA Requester: Todd Wessell – Journal & Topics Newspapers

Dear Ms. Wills:

We have received and reviewed the written notice from the Huntley Police Department (Department) of its intention to deny disclosure of certain information contained in police reports pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c)).

On February 4, 2011, Mr. Wessell of Journal & Topics Newspapers submitted a FOIA request to the Department seeking "copies of all police reports involving Huntley resident [REDACTED]"

On February 9, 2011, the Department sought our office's approval to withhold parts of one police report and to withhold two other police reports in their entirety under the Section 7(1)(c) exemption. It argued that the partially withheld report contained information about the victim, medical information, and family matters. In the two reports completely withheld, no arrests occurred. Additionally, the Department seeks to withhold dates of birth in all documents under the exemption in Section 7(1)(c).

Determination

Section 7(1)(c) 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." The exemption defines "unwarranted 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." 5 ILCS 140/7(1)(c).

The Department's use of the Section 7(1)(c) exemption to redact dates of birth is **approved**. The information is highly personal by its very nature, and the subjects' right to privacy with respect to this information outweighs any legitimate public interest in obtaining it. Thus, the information is exempt

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from disclosure under Section 7(1)(c) of FOIA, as disclosure would constitute a clearly unwarranted invasion of personal privacy to the subjects of the information.

Report #10-04316

The Department's use of the Section 7(1)(c) exemption to withhold all but the first page of this record is **denied**. In this case a suspect was arrested. There is a legitimate public interest in examining how police officers respond to incidents that mandates the release of some information regarding these matters while still protecting the privacy of the victims of and witnesses to these events.

Pursuant to Section 7(1)(c) the Department may redact specific narrative portions of the report relating to very personal family matters, the victim's injuries and other medical information. This information, by its very nature, is highly personal and any legitimate interest of the public in obtaining it is outweighed by the victim's right to privacy. Therefore, the Department has met its initial burden in establishing that Section 7(1)(c) shields this information from disclosure.

Additionally, the Department's use of Section 7(1)(c) to redact information that would identify the victim is **approved**. The nature of the incident is highly personal and the victim's rights to privacy here outweigh the interests of the public in accessing this information. These redactions may include any information relating to the victim's relationship with the suspect or arrestee that would identify the victim (although the identities of suspects that have been arrested must be released as required by Section 2.15(a)). Therefore, the Department has met its initial burden in establishing that Section 7(1)(c) shields this information from disclosure.

Reports #10-03105 and 07-6348

After reviewing the documents provided, the Department's use of the exemption in 7(1)(c) to withhold these reports in their entirety is **approved**. Neither of these cases involved an arrest and both incidents concerned very personal matters. The subjects' right to privacy outweighs any legitimate public interest in obtaining the information. Therefore, the Department has met its initial burden of establishing that 7(1)(c) exempts this information from disclosure.

Should you have questions or concerns, please feel free to contact me at (312) 814-8413. This correspondence shall serve to close this matter.

Sincerely,



Rebecca Riddick
Assistant Public Access Counselor

cc: Mr. Thomas Wessell
Journal & Topics Newspapers
522 Graceland Ave.
Des Plaines, IL 60018