



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 2, 2011

Nancy Chamberlain
Freedom of Information Officer
Rock Valley College
3301 N. Mulford Road
Rockford, IL 61114

RE: Pre-Authorization Request — 2011 PAC 12159

Dear Ms. Chamberlain:

We have received and reviewed the written notice from the Rock Valley College 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.

██████████ submitted a FOIA request dated January 24, 2010, seeking police report number 11-0012. In its written notice, the College asserted that the incident report, supplemental report and the other individual's handwritten statement are exempt from disclosure under Section 7(1)(c) of FOIA.

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 College's use of the exemption in Section 7(1)(c) with regard to the incident report and supplemental report, in their entirety, is denied. We have determined that the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c) because the information pertains to the requester. 5 ILCS 140/7(1)(c). Therefore, the College has not met its initial burden demonstrating that the redacted information is exempt under Section 7(1)(c).

March 2, 2011

Page 2

However, the College's use of the exemption in Section 7(1)(c) with regard to another individual's handwritten statement, in its entirety, is approved. This type of information 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 College has met its initial burden demonstrating that the redacted information is exempt under Section 7(1)(c). As such, the College may issue a partial denial letter directly to the requester and release the records with the appropriate information redacted.

Additionally, the College's use of the Section 7(1)(c) exemption with regard to 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 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.

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 by: AA

Amalia Rioja
Acting Public Access Counselor

cc:

