



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 28, 2011

Ms. Mary Pickett
Freedom of Information Act Officer
Mount Prospect Police Department
112 Northwest Highway
Mt. Prospect, IL 60056

RE: Pre-Authorization Request - 2011 PAC 12387

Dear Ms. Pickett:

We have received and reviewed the written notice from the Mount Prospect Police Department 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.

On February 4, 2011, [REDACTED] submitted a FOIA request seeking a copy of police incident report number 10-21183.

In its February 10, 2011 Pre-Authorization Request to the Office of the Public Access Counselor, the Department asserted that dates of birth and additional portions of the narrative are exempt from disclosure under 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."

Determination

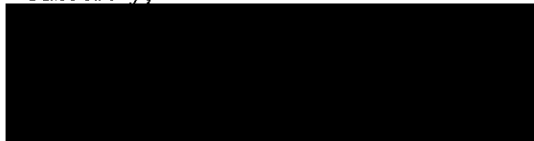
The Department's request for approval of its decision to withhold certain information in the reports pursuant to Section 7(1)(c) is approved.

This Office finds that disclosure of the dates of birth of individuals in the report is highly personal and objectionable to the reasonable person and that there exists no legitimate public interest in its disclosure.

With regard to the remainder of the narrative, it appears that no arrests were made by the Department and this matter is now closed. As a result, disclosure of this information could be considered highly personal or objectionable to the reasonable person and no legitimate public interest exists in the disclosure of the information.

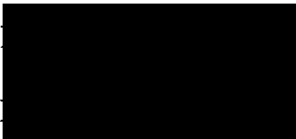
Accordingly, the Department has met its initial burden under Section 7(1)(c) and may release the report to Mr. Fragale with the redactions. Should you have any questions or concerns, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,



Matthew C. Rogina
Assistant Public Access Counselor

cc:



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