



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

February 28, 2011

Ms. Sherry Holmes  
Freedom of Information Act Officer  
Macomb Police Department  
120 S. McArthur St.  
Macomb, Illinois 61455

RE: Pre-Authorization Request - 2011 PAC 12437

Dear Ms. Holmes:

We have received and reviewed the written notice from the Macomb Police Department of its intention to deny 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 11, 2011, [REDACTED] submitted a FOIA request seeking a copy of police report No. 2011-001648. In its February 16, 2011, written notice to the Office of the Public Access Counselor, the Department asserted that dates of birth and the name of the alleged suspect is 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." *Id.*

**Determination**

The Department's use of the exemption in Section 7(1)(c) with regard to a date of birth and the names of the alleged suspect is approved in part and denied in part.

This Office finds that disclosure of the dates of birth of the alleged suspect is highly personal and objectionable to the reasonable person and that there exists no legitimate public interest in its disclosure. The Department, however, has not met its burden in demonstrating that the date of

birth of the requester, who appears in the police report as the complainant, is exempt from disclosure pursuant to Section 7(1)(c).

With regard to the name of the alleged suspect, the Department states 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 of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

If you have any questions, 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:



*12437 preauth al 71c dob pd*