



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

March 8, 2011

City of Harvard Police Department
Colleen O'Brien, FOIA Officer
201 West Front Street
Harvard, IL 60033

RE: Pre-Authorization Request - 2011 PAC 12514

Dear Ms. O'Brien:

On February 22, 2011, we received from the City of Harvard Police Department a written request for approval of its intent to assert the Section 7(1)(c) exemption in response to a February 8, 2011 Freedom of Information Act (FOIA) request from [REDACTED].

The Police Department has indicated its intent to deny access to the requested document as interfering with a pending or actual law enforcement proceeding.

We have determined that withholding the requested police report is not proper for withholding under Section 7(1)(c). Such information may be exempt from disclosure under other exemptions; particularly Section 7(1)(d)(iv) which allows withholding of information that would interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency.

Please note that the Freedom of Information Act only requires public bodies to submit a Notice of Intent to Deny and request for pre-authorization with regard to assertion of the exemptions in Sections 7(1)(c) (allowing withholding of information the release of which would constitute a clearly unwarranted invasion of personal privacy) and 7(1)(f) (allowing withholding of predecisional, deliberative process materials). Where information is exempt under other sections of the Act, public bodies should issue denials relying upon such exemptions directly to the requestor, without submitting the matter to the Public Access Counselor for pre-authorization.

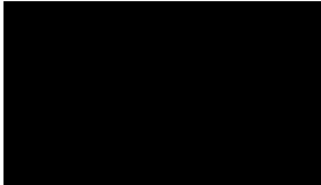
If you have any questions, please feel free to contact Tammy Friedewald at (217) 558-1926.
This correspondence shall serve to close this matter.

Sincerely,

Amanda Lundeen
HF

Amanda M. Lundeen
Assistant Public Access Counselor

cc:



12514 preauth not c pd