



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 2, 2011

Jay Groves, Assistant to the President
Illinois State University
Campus Box 1000
Normal, IL 61790-1000

Re: Pre-authorization request – 2011 PAC 12592

Dear Mr. Groves:

We have received from Illinois State University (ISU) a notice of intention to deny certain records requested under the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. [REDACTED] requested a copy of an ISU police report of an arrest for a drug offense. Pursuant to Section 7(1)(c) (5 ILCS 140/7(1)(c)), ISU requested pre-approval to redact birth dates, the names of witnesses and/or victims, and information identifying the race of individuals listed in the report.

Determination – Section 7(1)(c)

Information in public records is exempt if disclosure would “constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information.” 5 ILCS 140/7(1)(c)). An “[u]nwarranted invasion of personal privacy” is 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.*

ISU’s request for pre-authorization to redact birth dates is **approved**. Birth dates are a highly personal form of information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). A subject’s right to privacy outweighs any legitimate public interest in the disclosure of his or her date of birth. Accordingly, ISU has sustained its initial burden of demonstrating that such information is exempt from disclosure under Section 7(1)(c).

The University’s request for pre-approval to redact information identifying the race of individuals listed in the report and the names of witnesses and/or victims also is **approved**. Information identifying an individual’s race and information identifying an individual as a witness and/or victim of a crime is highly personal by its very nature. The privacy rights of such

subjects outweigh any legitimate public interest in disclosure of this information. Accordingly, ISU has sustained its initial burden of demonstrating that information identifying the race of individuals listed in the report and the names of witnesses and/or victims is exempt from disclosure under Section 7(1)(c).

This letter shall serve to close this file. If you have any questions, please feel free to contact me at (312) 814-6756 or ssilverman@atg.state.il.us.

Sincerely,



Steve Silverman
Assistant Public Access Counselor

cc:

