



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

March 8, 2011

Mark Schuster  
Bazos, Freeman, Kramer, Schuster, Vanek & Kolb  
1250 Larkin Ave., #100  
Elgin, IL 60123

Re: Pre-authorization request – 2011 PAC 12457

Dear Mr. Schuster:

We have received from the Village of Hampshire a notice of intention to deny disclosure of certain information requested under the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. [REDACTED] requested copies of all police reports regarding a specific address. The Village requested pre-authorization to redact birth dates and certain information from three reports (Nos. 10-03120, 09-19192 and 09-19619) pursuant to Section 7(1)(c) (5 ILCS 140/7(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.*

**Determination**

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

The request to redact the names of the complainant and two other individuals referenced in Report No. 10-3120 is **approved**. Because no arrest or prosecution resulted from the complaint, the disclosure of information identifying the subjects would constitute a highly unwarranted invasion of the personal privacy of those subjects. The subjects' right to privacy outweighs any legitimate public interest in disclosure of such information. Accordingly, the Village has sustained its initial burden of demonstrating that the information is exempt from disclosure under Section 7(1)(c).

Although the Village did not request pre-approval to redact the names of persons referenced in Report Nos. 10-3331, 09-19192 and 09-19619, we note that those names also are exempt from disclosure under Section 7(1)(c). Each report contains allegations of criminal conduct for which no suspects were arrested or charged. Disclosure of information identifying those persons in this context would likewise constitute a highly unwarranted invasion of the personal privacy. Accordingly, these names may also be redacted.

The request for pre-approval to redact personal employment information in Report No. 09-19619 is approved. We determined in 2010 PAC 5652 that such information is exempt from disclosure under Section 7(1)(c). The disclosure of such information could enable a subject to be identified by his or her workplace, which would constitute a highly unwarranted invasion of the subject's personal privacy. The subject's right to privacy outweighs any legitimate public interest in disclosure of his or her personal employment information under these circumstances. Accordingly, the Village has sustained its initial burden of demonstrating that the information is exempt from disclosure under Section 7(1)(c).

The request for pre-approval to redact information regarding a third-party subject from Report No. 09-19192 also is approved. We have reviewed an un-redacted copy of the report and determined that disclosure of the redacted portions would constitute a highly unwarranted invasion of the personal privacy of the third-party subject. The subject's right to privacy outweighs any legitimate public interest in disclosure of this information. Accordingly, the Village has sustained its initial burden of demonstrating that the information is exempt from disclosure under Section 7(1)(c).

Although the Village did not request pre-approval to withhold Report No. 10-00474, we have determined that it is exempt from disclosure under Section 7(1)(c). The report regards an individual's medical condition. Such information is highly personal by its very nature. The subject's right to privacy outweighs any legitimate public interest in disclosure of this information. Accordingly, the report should be withheld pursuant to Section 7(1)(c).

The Village has asserted that additional information is exempt from disclosure under Section 7(1)(b) (5 ILCS 140/7(1)(b)). Because advance approval by the Public Access Counselor is not required for the assertion of exemptions other than Section 7(1)(c) and Section 7(1)(f) 5 ILCS 140/7(1)(f), we make no determination at this time regarding the applicability of any other exemptions.

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](mailto:ssilverman@atg.state.il.us).

Sincerely,



Steve Silverman  
Assistant Public Access Counselor

cc:

