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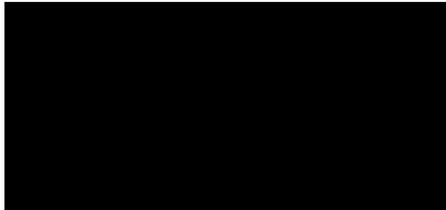
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OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

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ATTORNEY GENERAL

April 9, 2013



Mr. Ralph M. Price
General Counsel
Chicago Police Department
3510 S. Michigan Avenue, 5th Floor
Chicago, Illinois 60653

RE: FOIA Request for Review – 2012 PAC 20579

Dear [REDACTED] and Mr. Price:

Pursuant to section 9.5(a) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(a) (West 2011 Supp.)), the Public Access Bureau received a Request for Review on July 19, 2012, of the response by the Chicago Police Department (CPD) to a FOIA request submitted by [REDACTED]

[REDACTED] requested the report for event number 1206807557. On July 5, 2012, CPD partially denied [REDACTED] request pursuant to sections 7(1)(b) and 7(1)(d)(iv) of FOIA (5 ILCS 140/7(1)(b), (d)(iv) (West 2011 Supp.)). In his Request for Review [REDACTED] asserted that he is entitled to un-redacted copies of the report.

On December 11, 2012, this office forwarded a copy of [REDACTED] Request for Review to CPD and requested that it provide the Public Access Bureau with a detailed factual basis for the sections 7(1)(b), 7(1)(c) and 7(1)(d)(iv) exemptions. On December 24, 2012, CPD responded:

With regard to the applicability of section 7(1)(b) * * * the following private information was redacted from the record provided to [REDACTED] (1) home addresses; (2) telephone numbers; (3) Department employees' signatures; and complainant's signature. * * * As part of the review of [REDACTED] Request for

██████████
Mr. Ralph M. Price

April 9, 2013

Page 2

Review, the Department now asserts that section 7(1)(c) of FOIA is applicable. 5 ILCS 140/7(1)(c) [(West 2011 Supp.)]. Specifically, the Department redacted any reference to the date of birth and medical information of the missing subject. * * * With regard to the applicability of section 7(1)(d)(iv) of FOIA, * * * the Department redacted the name of the complainant who reported the subject missing to the Department.¹

On January 2, 2013, we forwarded a copy of CPD's response to ██████████. As of the date of this letter ██████████ has not replied.

DETERMINATION

All public records in the possession or custody of a public body are "presumed to be open to inspection or copying." 5 ILCS 140/1.2 (West 2010); *see also Southern Illinoisan v. Illinois Dept. of Public Health*, 218 Ill. 2d 390, 415 (2006). A public body "has the burden of proving by clear and convincing evidence" that a record is exempt from disclosure. 5 ILCS 140/1.2 (West 2010).

Section 7(1)(b)

CPD redacted home addresses, personal telephone numbers and signatures under section 7(1)(b), which exempts from disclosure "[p]rivate information, unless disclosure is required by another provision of this Act, a State or federal law or a court order." Section 2(c-5) of FOIA (5 ILCS 140/2(c-5) (West 2011 Supp.)) defines "private information" as:

[U]nique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person.

CPD properly redacted home addresses and personal telephone numbers under the plain language of section 7(1)(b). This office also has previously determined that signatures are a form of "private information." Ill. Att'y Gen. PAC Req. Rev. Ltr. 16917, issued July 2, 2012.

¹Letter from Terrence Collins, Office of Legal Affairs, Chicago Police Department, to Dushyanth Reddivari, Assistant Attorney General, Public Access Bureau (December 19, 2012).

██████████
Mr. Ralph M. Price

April 9, 2013

Page 3

Accordingly, we conclude that CPD properly redacted the signatures of complainant and CPD employees under section 7(1)(b) of FOIA.

Section 7(1)(c)

CPD also properly redacted birth dates and medical information under section 7(1)(c) of FOIA, which exempts personal information 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." Section 7(1)(c) defines an "[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." The Public Access Bureau has previously determined that disclosing dates of birth (Ill. Att'y Gen. PAC Pre-Auth. al115360, issued July 15, 2011) and information pertaining to specific medical conditions or treatments would be an unwarranted invasion of personal privacy (Ill. Att'y Gen. PAC Pre-Auth. al14194, issued May 23, 2011). A subject's right to privacy outweighs any legitimate public interest in disclosure of his or her date of birth or medical information. In addition, CPD redacted information identifying an individual's race, which also is exempt from disclosure under section 7(1)(c) of FOIA. Ill. Att'y Gen. PAC Req. Rev. Ltr. 18274, issued March 27, 2012.

Section 7(1)(d)(iv)

Finally, CPD redacted the complaint's name under section 7(1)(d)(iv), which exempts information to the extent that disclosure would "unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information" to law enforcement officials. We conclude that CPD properly redacted this information under the plain language of section 7(1)(d)(iv). Because information identifying the nature of the complainant's relationship to the missing person also would unavoidably identify the complainant, that information also may be withheld under section 7(1)(d)(iv).

This office notes that CPD also redacted another individual's name and gender from the report. CPD did not assert that information is exempt from disclosure in its response to this office dated December 24, 2012. Because CPD has not demonstrated that this information is exempt from disclosure, we request that CPD provide the information to ██████████

[REDACTED]
Mr. Ralph M. Price

April 9, 2013

Page 4

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. If you have any questions, please contact me at (312) 814-5206. This letter shall serve to close this matter.

Very truly yours,

[REDACTED]
DUSHYANTH REDDIVARI
Assistant Attorney General
Public Access Bureau

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