



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

June 30, 2026

PUBLIC ACCESS OPINION 26-006
(Request for Review 2026 PAC 93299)

FREEDOM OF INFORMATION ACT:
Basis for Withholding Police Records
Documenting Arrest

Mr. Jared Rutecki
Investigative Reporter
Chicago Tonight
WTTW-TV-PBS-Ch. 11
5400 North Saint Louis Avenue
Chicago, Illinois 60625

Ms. Sandy Cruz
Records Clerk
Oak Lawn Police Department
9446 South Raymond Avenue
Oak Lawn, Illinois 60453

Dear Mr. Rutecki and Ms. Cruz:

This binding opinion is issued by the Attorney General pursuant to section 9.5(f) of the Freedom of Information Act (FOIA).¹ For the reasons discussed below, this office concludes that the Oak Lawn Police Department (Department) improperly withheld records responsive to Mr. Jared Rutecki's March 25, 2026, FOIA request.

On that date, Mr. Rutecki, on behalf of Chicago Tonight, submitted a FOIA request to the Department seeking "[i]nvestigative files, supplementary files, tickets and any other documentation related to the investigation" of a named individual who was arrested on

¹ 5 ILCS 140/9.5(f) (West 2024), as amended by Public Act 104-438, effective January 1, 2026.

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January 17, 2023.² On that same date, the Department denied the request in its entirety pursuant to section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c) (West 2024), as amended by Public Acts 104-438, effective January 1, 2026; 104-443, effective January 1, 2026).³ On March 27, 2026, Mr. Rutecki submitted the above-referenced Request for Review contesting the Department's response.⁴

On April 14, 2026, the Public Access Bureau sent a copy of the Request for Review to the Department.⁵ The Public Access Bureau also sent the Department a letter requesting an unredacted copy of any withheld records for this office's confidential review and a detailed written explanation of the legal and factual bases for the applicability of the asserted exemption.⁶ On April 17, 2026, the Department e-mailed this office⁷ a four-page Incident/Investigation Report and its written response.⁸ On that same date, this office forwarded a copy of the Department's written response to Mr. Rutecki and notified him of his opportunity to reply.⁹ He replied on April 21, 2026.¹⁰

On May 12, 2026, a Supervising Attorney in the Public Access Bureau asked the Department's Records Clerk to clarify if the Department maintained any other records concerning the incident, the arrestee's release or transfer, or the charges.¹¹ On May 13, 2026, the

²FOIA portal message from Village of Oak Lawn to Jared Rutecki (March 25, 2026) (confirming receipt of FOIA request).

³Letter from Sandy Cruz, Records Clerk, Oak Lawn Police Department, to Jared Rutecki (March 25, 2026).

⁴E-mail from Jared Rutecki, Investigative Reporter, Chicago Tonight, WTTW-TV-PBS-Ch.11, to Public Access Counselor, Office of the Attorney General, Public Access Bureau (March 27, 2026).

⁵E-mail from Benjamin Silver, Supervising Attorney, Public Access Bureau, Office of the Illinois Attorney General, to [Pam] Mallo, [Administrative Assistant, Oak Lawn Police Department] (April 14, 2026).

⁶Letter from Benjamin J. Silver, Supervising Attorney, Public Access Bureau, Office of the Attorney General, to Pam Mallo, Administrative Assistant, Oak Lawn Police Department (April 14, 2026).

⁷E-mail from Sandy Cruz, Records Clerk, Oak Lawn Police Department, to [Benjamin] Silver, [Supervising Attorney, Public Access Bureau, Office of the Attorney General] (April 17, 2026).

⁸Letter from Sandy Cruz, Records Clerk, Oak Lawn Police Department, to Benjamin J. Silver, Supervising Attorney, Office of the Illinois Attorney General (April 17, 2026).

⁹Letter from Benjamin J. Silver, Supervising Attorney, Public Access Bureau, Office of the Attorney General, to Jared Rutecki, Investigative Reporter, *Chicago Tonight* (April 17, 2026).

¹⁰E-mail from Jared Rutecki, Investigative Reporter, Chicago Tonight, to [Benjamin] Silver, [Supervising Attorney, Public Access Bureau, Office of the Illinois Attorney General] (April 24, 2026).

¹¹E-mail from Benjamin Silver, Supervising Attorney, Public Access Bureau, Office of the Illinois Attorney General, to Sandra Cruz, [Records Clerk, Oak Lawn Police Department] (May 12, 2026).

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Records Clerk provided this office with an arrest card, a Case Supplemental Report, and records concerning the processing and detention of the arrestee at the jail. The Records Clerk indicated that "Mr. Rutecki would not be entitled to these documents."¹²

On May 21, 2026, this office extended the time in which to issue a binding opinion by 30 business days, to July 8, 2026, pursuant to section 9.5(f) of FOIA.¹³

On June 4, 2026, the Supervising Attorney asked the Records Clerk to provide an additional response addressing whether it was the Department's position that that the Case Supplemental Report and arrest card were not responsive to the request, and further asked for a detailed explanation of the factual bases for the applicability of section 7(1)(c) if the Department wished to assert that exemption for those records.¹⁴ This office also requested copies of photographs referenced in the Case Supplemental Report.¹⁵ On June 5, 2026, the Records Clerk responded that the photographs had been destroyed and stated: "As [Mr. Rutecki's] request was denied in its entirety, my assumption is he would not be privy to any documents for this matter."¹⁶

ANALYSIS

It is the public policy of the State of Illinois that "all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of" FOIA. 5 ILCS 140/1 (West 2024). Under FOIA, "[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt." 5 ILCS 140/1.2 (West 2024). Section 7(1) of FOIA (5 ILCS 140/7(1) (West 2024), as amended by Public Acts 104-438, effective January 1, 2026; 104-443, effective January 1, 2026) further provides:

¹²E-mail from Sandy Cruz, Records Clerk, Oak Lawn Police Department, to Benjamin Silver (May 13, 2026).

¹³Letter from Benjamin J. Silver, Supervising Attorney, Public Access Bureau, Office of the Attorney General, to Jared Rutecki, Investigative Reporter, *Chicago Tonight*, and Sandy Cruz, Records Clerk, Oak Lawn Police Department (May 21, 2026).

¹⁴E-mail from Ben Silver, Supervising Attorney, Public Access Bureau, [Office of the Attorney General], to [Sandy] Cruz, [Records Clerk, Oak Lawn Police Department] (June 4, 2026).

¹⁵E-mail from Ben Silver, Supervising Attorney, Public Access Bureau, [Office of the Attorney General], to [Sandy] Cruz, [Records Clerk, Oak Lawn Police Department] (June 4, 2026).

¹⁶E-mail from Sandy Cruz, Records Clerk, Oak Lawn Police Department, to [Benjamin] Silver, [Supervising Attorney, Public Access Bureau, Office of the Attorney General] (June 5, 2026).

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When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. **The public body shall make the remaining information available for inspection and copying.** (Emphasis added.)

Records Responsive to the FOIA Request

"Given the policy embodied in the [federal] FOIA¹⁷ requiring disclosure of information in government documents unless it falls within the reach of one of the specified exemptions, the agency should err on the side of liberally construing what material falls within the scope of the request." *Dunaway v. Webster*, 519 F. Supp. 1059, 1083 (N.D. Cal. 1981); *see also Leopold v. Department of Justice*, 130 F. Supp. 3d 32, 43 (D.D.C. 2015) (provided that a requester reasonably describes records, "agencies must liberally construe FOIA requests, even where a request is poorly defined[.]"). Subject to appropriate redactions, a public body must disclose information that "relates to the subject of the request or which in any sense sheds light on, amplifies, or enlarges upon that material which is found in the same documents." *Dunaway*, 519 F. Supp. at 1083; *see also Judicial Watch, Inc. v. U.S. Department of Energy*, 310 F. Supp. 2d 271, 306 (D.D.C. 2004), *aff'd in part, rev'd in part on other grounds*, 412 F.3d 125 (D.C. Cir. 2005) (holding an agency search to be unreasonable because it did not "encompass the full scope or precise language of the" plaintiff's request).

Mr. Rutecki's FOIA request sought "[i]nvestigative files, supplementary files, tickets and any other documentation related to the investigation."¹⁸ With its April 17, 2026, answer to this office, the Department provided as the only responsive record a copy of a four-page Incident/Investigation Report for the specified arrest.¹⁹ On May 13, 2026, the Department furnished this office a Case Supplemental Report, arrest card, and documents concerning the processing and detention of the arrestee at the jail and inventorying of the arrestee's property. Although Mr. Rutecki did not identify those records by name in his request, the arrest card reflects the outcome of the investigation and the Case Supplemental Report describes the inspection and inventory of evidence gathered in connection with the investigation. Those

¹⁷Illinois courts have recognized that because Illinois' FOIA statute is based on the Federal FOIA statute (5 U.S.C. § 552 *et seq.* (2018)), decisions construing the latter, while not controlling, may provide helpful and relevant precedents in construing the state Act. *Margolis v. Director of the Department of Revenue*, 180 Ill. App. 3d 1084, 1087 (1989).

¹⁸FOIA portal message from Village of Oak Lawn to Jared Rutecki (March 25, 2026) (confirming receipt of FOIA request).

¹⁹Incident/Investigation Report, Oak Lawn Police Department, Officer B.P. Flisk, Oak Lawn, Illinois, Case No. 23-00299, January 17, 2023, 8:43 p.m.

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records are responsive to Mr. Rutecki's request for "other documentation related to the investigation[.]"²⁰ In contrast, the records concerning the processing and detention of the arrestee at the jail after the arrest do not relate to the investigation and are not responsive. Accordingly, this binding opinion will address the Department's assertion of section 7(1)(c) of FOIA to withhold the four-page Incident/Investigation Report, the Case Supplemental Report, and the arrest card.

Section 7(1)(c) of FOIA

Section 7(1)(c) of FOIA exempts from disclosure "[p]ersonal information contained within public records, the disclosure of which 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 "unwarranted 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 Department's response to this office stated that the records at issue concern "[a] family's private domestic incident"²¹ in which children were present and asserted that "the protection of the victims and witnesses outweighs the public's interest in such matters. Further, release of the report, even with redactions is an unwarranted invasion of their personal privacy."²²

The resolution of a personal privacy exemption claim requires weighing four factors: "(1) the [requester's] interest in disclosure, (2) the public interest in disclosure, (3) the degree of invasion of personal privacy, and (4) the availability of alternative means of obtaining the requested information." *National Ass'n of Criminal Defense Lawyers v. Chicago Police Department*, 399 Ill. App. 3d 1, 13 (2010). The General Assembly's use of the language "*clearly unwarranted invasion of personal privacy*[]" evinces a "stricter standard to claim exemption" which the government agency possessing the records bears the burden of sustaining. (Emphasis in original.) *Schessler v. Department of Conservation*, 256 Ill. App. 3d 198, 202 (1994).

Under the first and second factors, Mr. Rutecki's interest in disclosure of the records is connected to his employment as a reporter with Chicago Tonight and therefore is

²⁰FOIA portal message from Village of Oak Lawn to Jared Rutecki (March 25, 2026) (confirming receipt of FOIA request).

²¹Letter from Sandy Cruz, Records Clerk, Oak Lawn Police Department, to Benjmain J. Silver, Supervising Attorney, Office of the Illinois Attorney General (April 17, 2026), at [2].

²²Letter from Sandy Cruz, Records Clerk, Oak Lawn Police Department, to Benjmain J. Silver, Supervising Attorney, Office of the Illinois Attorney General (April 17, 2026), at [1].

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aligned with the public interest in disclosure of information concerning arrests. Mr. Rutecki noted in his FOIA request that "Chicago Tonight is a nonprofit, journalism program based in Chicago. This is for a possible news story."²³ In his Request for Review, Mr. Rutecki asserted that disclosure of the records is a matter of high public interest because the arrestee now serves as a police officer with the Chicago Police Department.²⁴

There is a high level of public interest in arrests and the circumstances surrounding arrests. Section 2.15(a) of FOIA (5 ILCS 140/2.15(a) (West 2024)) generally requires the release of certain information within arrest records, including:

(i) information that identifies the individual, including the name, age, address, and photograph, when and if available; (ii) information detailing any charges relating to the arrest; (iii) the time and location of the arrest; (iv) the name of the investigating or arresting law enforcement agency; * * * and (vi) if the individual is incarcerated, the time and date that the individual was received into, discharged from, or transferred from the arresting agency's custody.^[25]

These statutory disclosure requirements "demonstrate that the General Assembly has recognized a strong public interest in the disclosure of information concerning arrests that outweighs an arrestee's right to privacy." Ill. Att'y Gen. Pub. Acc. Op. No. 12-006, issued March 16, 2012, at 6.

Furthermore, arrestees are considered "essentially public personages[]" with a "limited and qualified" right to privacy, "and the basic facts which identify them and describe generally the investigations and their arrests become matters of legitimate public interest." *Tennessean Newspaper, Inc. v. Levi*, 403 F. Supp. 1318, 1321 (M.D. Tenn. 1975). There also is a strong public interest in information that sheds light on the manner in which law enforcement officials perform their public duties. See *Lissner v. United States Customs Service*, 241 F.3d 1220, 1223 (9th Cir. 2001) (information that "sheds light on the propriety" of a federal law

²³FOIA portal message from Village of Oak Lawn to Jared Rutecki (March 25, 2026) (confirming receipt of request).

²⁴E-mail from Jared Rutecki, Investigative Reporter, Chicago Tonight, WTTW-TV-PBS-Ch. 11, to Public Access Counselor, Office of the Attorney General, Public Access Bureau (March 27, 2026).

²⁵A public body may withhold the information referenced in subsections (iii) through (vi) of section 2.15(a), but only if its "disclosure would: (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement agency; (ii) endanger the life or physical safety of law enforcement or correctional personnel or any other person; or (iii) compromise the security of any correctional facility." 5 ILCS 140/2.15(c) (West 2024).

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enforcement agency's handling of an incident in which two police officers were arrested and fined "raises a cognizable public interest under the federal FOIA").

In this instance, the public interest is heightened by the fact that the incident report indicates that the arrestee was employed by the Cook County Sheriff's Office at the time of the incident,²⁶ and Mr. Rutecki indicates that the individual was later hired by the Chicago Police Department. *See Lissner*, 241 F.3d at 1223 (stating that law enforcement officers have diminished privacy rights compared to "ordinary citizens[.]").

As to the third factor—the degree of invasion of personal privacy—the Department asserted in its written response that it withheld the contested records in order to protect the privacy of victims and witnesses of the incident, including children.²⁷ The Department did not provide a specific explanation as to how information describing the circumstances of the arrest would constitute a "clearly unwarranted invasion of personal privacy" for victims, witnesses, or family members of the arrestee. In his reply, Mr. Rutecki acknowledged that the Department could permissibly redact information identifying victims or witnesses under section 7(1)(c), but argued that the Department should have made the remaining portions of the records available in response to his request.²⁸

Courts have concluded that the disclosure of the names of witnesses and other third parties in police reports would typically constitute an unwarranted invasion of personal privacy. *See, e.g., Mays v. Drug Enforcement Administration*, 234 F.3d 1324, 1327 (D.C. Cir. 2000) ("Absent exceptional circumstances, the balance [between the public interest in disclosure and the right to privacy] categorically favors withholding the names and addresses of third parties as" such information does not provide insight into the conduct or performance of a government agency); *see also* Ill. Att'y Gen. Pub. Acc. Op. No. 22-005, issued March 24, 2022, at 11 (names and other identifying information of third parties in complaint documents are exempt from disclosure). Additionally, highly personal details of certain crimes may constitute an unwarranted invasion of a victim's right to privacy. *See, e.g., McGee v. Kelley*, 2017 IL App (3d) 160324, ¶ 18 ("The public has an interest in monitoring law enforcement to ensure it is acting in the public's interest. However, it is doubtful that the public has any interest in the actual details of the victim's sexual assault and battery."); *State Journal-Register v. University of Illinois Springfield*, 2013 IL App (4th) 120881, ¶ 56 ("details of * * * sexual misconduct are highly personal, which weighs heavily in favor of exemption.").

²⁶Incident/Investigation Report, Oak Lawn Police Department, Officer B.P. Flisk, Oak Lawn, Illinois, Case No. 23-00299, January 17, 2023, 8:43 p.m., at 4.

²⁷Letter from Sandy Cruz, Records Clerk, Oak Lawn Police Department, to Benjamin J. Silver, Supervising Attorney, Office of the Illinois Attorney General] (April 17, 2026), at [1].

²⁸E-mail from Jared Rutecki, Investigative Reporter, *Chicago Tonight*, to [Benjamin] Silver, [Supervising Attorney, Public Access Bureau, Office of the Illinois Attorney General] (April 24, 2026).

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This office's confidential review of the contested records found that they do not contain the type of graphic details that the courts in *McGee* or *State Journal-Register* determined would constitute a clearly unwarranted invasion of personal privacy if disclosed. Although the records concern a domestic incident, they do not document graphic violence or highly personal details about the involved parties, except for a brief reference to nature of the underlying dispute that led to the incident and an opinion about alleged prior conduct the week before the incident, both of which are exempt from disclosure as explained below.

Lastly, there is no indication that Mr. Rutecki has alternative means of obtaining the contested records.

Taking all the factors into account, this office concludes that the public interest in disclosure of information concerning the investigation of the arrestee, who now serves as a police officer, outweighs the invasion of personal privacy. Contrary to the Department's characterization of the incident as "[a] family's private domestic incident[.]" the Department arrested an individual during this incident, and basic facts concerning arrests are a matter of public record pursuant to section 2.15 of FOIA. The specific requirements of that provision take precedence over the general provisions of section 7(1)(c) of FOIA. *See People v. Villarreal*, 152 Ill. 2d 368, 379 (1992) ("It is a fundamental rule of statutory construction that where there exists a general statutory provision and a specific statutory provision, either in the same or another act, which both relate to the same subject, the specific provision controls and should be applied."). Further, there is a compelling public interest in how police officers conduct investigations and make arrests, and the degree of invasion of personal privacy is reduced because an arrestee has a limited and qualified right of privacy with respect to information concerning their arrest. Although family members of an arrestee may incur some embarrassment in the release of the details of an arrest, any invasion of personal privacy is outweighed by the public interest in details regarding the circumstances of an arrest, the performance of officers' public duties in making an arrest, and any subsequent investigation by law enforcement.

Certain portions of the record, however, may be redacted pursuant to section 7(1)(c) to protect the significant personal privacy interests of the victim, witnesses, and any third parties identified in the Incident/Investigation Report. Notably, the third sentence of the first paragraph of the reporting officer's narrative as well as the fourth paragraph contain highly personal information that extend beyond the documented and observed facts that provided a basis for the arrest. Disclosure of this information would create a clearly unwarranted invasion of personal privacy of the victim. Additionally, portions of the records that reference witnesses and any third parties, including their names, contact information, and personally-identifying details—such as the nature of their relationships to the arrestee—may be redacted to protect their identities.

Based on this office's confidential review of the records, redaction of portions of the first and fourth paragraphs of the reporting officer's narrative and the identifying information referenced above will be sufficient to ensure that release of the records will not constitute a

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clearly unwarranted invasion of personal privacy of victims, witnesses, and any third parties. This office notes that the arrest card and the Case Supplemental Report, which the Department also did not provide to Mr. Rutecki, contains no identifying information about the victim or any witnesses.²⁹ With respect to the information concerning children in the Incident/Investigation Report, which is incidental and has no bearing on the underlying incident, the right to privacy outweighs any legitimate public interest in disclosure and is therefore exempt from disclosure pursuant to section 7(1)(c). This information includes the identifiers in paragraph one, and information in the third paragraph of the reporting officer's narrative.³⁰

For these reasons, the Public Access Bureau concludes that the Department did not sustain its burden of proving by clear and convincing evidence that the contested records are exempt from disclosure in their entirety under section 7(1)(c) of FOIA.

FINDINGS AND CONCLUSIONS

After full examination and giving due consideration to the information submitted, the Public Access Counselor's review, and the applicable law, the Attorney General finds that:

- 1) On March 25, 2026, Mr. Jared Rutecki, on behalf of Chicago Tonight, submitted a FOIA request to the Oak Lawn Police Department seeking "[i]nvestigative files, supplementary files, tickets and any other documentation related to the investigation" of a named individual who was arrested on January 17, 2023.
- 2) On that same date, the Department denied the request in its entirety pursuant to section 7(1)(c) of FOIA.
- 3) On March 27, 2026, Mr. Rutecki submitted a Request for Review contesting the denial. Mr. Rutecki's Request for Review was timely filed and otherwise complies with the requirements of section 9.5(a) of FOIA (5 ILCS 140/9.5(a) (West 2024), as amended by Public Act 104-438, effective January 1, 2026).
- 4) On April 14, 2026, the Public Access Bureau forwarded a copy of the Request for Review to the Department, together with a letter asking for unredacted copies of the contested records for this office's confidential review. The letter also requested a detailed written explanation of the factual and legal bases for the applicability of section 7(1)(c) of FOIA to the withheld records.

²⁹Although the Case Supplemental Report refers to photographs of the victim's injuries, the Department's Records Clerk confirmed those photographs were destroyed and provided this office with a copy of a document which authorized their disposal. Property Release/Disposal form, [Oak Lawn Police Department], Officer Flisk, Oak Lawn, Illinois, Case No. 23-00299, February 22, 2023.

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5) On April 17, 2026, the Department furnished its written response and a copy of the responsive Incident/Investigation Report.

6) On that same date, this office forwarded a copy of the Department's response letter to Mr. Rutecki and notified him of his opportunity to reply. On April 21, 2026, he replied.

7) On May 13, 2026, the Department furnished to this office an arrest card, Case Supplemental Report, and records concerning the processing and detention of the arrestee at the jail.

8) On May 21, 2026, this office extended the time in which to issue a binding opinion by 30 business days, to July 8, 2026. Accordingly, the Attorney General may properly issue a binding opinion with respect to this matter.

9) On June 4, 2026, this office asked the Department to provide an additional response concerning the responsiveness the records provided on May 13, 2026, and its basis for withholding them. On June 5, 2026, the Department stated that it denied Mr. Rutecki's request in its entirety and that he was not entitled to any of the records.

10) Under FOIA, the scope of a request that reasonably describes records must be liberally construed even if the request could have been more precise.

11) Records concerning the processing and detention of the arrestee at the jail after the arrest are not responsive to Mr. Rutecki's request for records related to the investigation of the arrestee. In contrast, the Case Supplemental Report documenting the collection of evidence and the arrest record that reflects the result of the investigation must be liberally construed to be encompassed by Mr. Rutecki's request.

12) Section 7(1)(c) of FOIA exempts from disclosure "[p]ersonal information contained within public records, the disclosure of which 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 "unwarranted 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."

13) Section 2.15(a) of FOIA specifically requires the disclosure of basic information concerning arrests. Because the specific requirements of section 2.15(a) of FOIA prevail over the general provisions of section 7(1)(c), the information listed in section 2.15(a) of FOIA must be disclosed. Additionally, the public interest in disclosure of information concerning the investigation and arrest outweighs the limited and qualified right to privacy of the arrestee in disclosure of information about the arrest.

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14) With respect to the remaining portions of the records, disclosure of the identifying information of the victim, witnesses and other third parties in the police reports and all references to children would constitute an unwarranted invasion of personal privacy and therefore is exempt from disclosure pursuant to section 7(1)(c) of FOIA. Because the victim's right to privacy in the information in the third sentence of the first paragraph of the narrative as well as the fourth paragraph outweighs any legitimate public interest in disclosure, those portions also are exempt from disclosure pursuant to section 7(1)(c) of FOIA.

15) Redaction of this exempt information sufficiently protects the applicable privacy interests. Otherwise, the contested records do not contain highly graphic information or otherwise highly personal details regarding the victim or witnesses. The public interest in disclosure of information concerning the investigation and arrest outweighs the victim and witnesses' right to privacy in those portions of the records.

Accordingly, the Department did not prove by clear and convincing evidence that the records are exempt from disclosure in their entirety under section 7(1)(c) of FOIA.

Therefore, it is the opinion of the Attorney General that the Oak Lawn Police Department has violated FOIA by improperly withholding the Incident/Investigation Report, arrest card, and evidence technician report responsive to Mr. Rutecki's March 25, 2026, FOIA request. Accordingly, the Department is hereby directed to take immediate and appropriate action to comply with this opinion by disclosing copies of the reports in a supplemental response to Mr. Rutecki's request, subject only to permissible redactions of the discrete information described above. The Department also may redact dates of birth pursuant to section 7(1)(c)³¹ and, pursuant to section 7(1)(b) of FOIA,³² the Department may redact "private information"³³ as that term is defined in FOIA. If the Department redacts information from the copies of the

³¹See Ill. Att'y Gen. Pub. Acc. Op. No. 16-009, issued November 7, 2016, at 12 (concluding that "[a]n individual's birth date is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information."

³²5 ILCS 140/7(1)(b) (West 2024), as amended by Public Acts 104-438, effective January 1, 2026; 104-443, effective January 1, 2026.

³³Section 2(c-5) of FOIA (5 ILCS 140/2(c-5) (West 2024), as amended by Public Act 104-438, effective January 1, 2026) provides:

"Private information" means unique 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.

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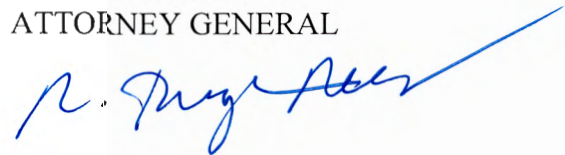
records it provides to Mr. Rutecki, it must include a written notice of denial that fully complies with the requirements of section 9(b) of FOIA.³⁴

This opinion shall be considered a final decision of an administrative agency for the purposes of administrative review under the Administrative Review Law. 735 ILCS 5/3-101 *et seq.* (West 2024). An aggrieved party may obtain judicial review of the decision by filing a complaint for administrative review with the Circuit Court of Cook County or Sangamon County within 35 days of the date of this decision naming the Attorney General of Illinois and Mr. Jared Rutecki as defendants. *See* 5 ILCS 140/11.5 (West 2024).

Sincerely,

KWAME RAOUL
ATTORNEY GENERAL

By:



R. Douglas Rees
Chief Deputy Attorney General

³⁴ 5 ILCS 140/9(b) (West 2024) ("When a request for public records is denied on the grounds that the records are exempt under Section 7 of this Act, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority.").

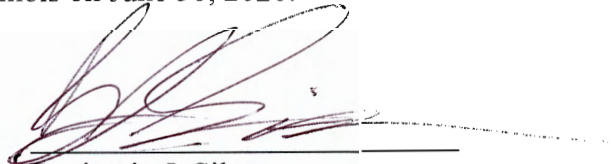
CERTIFICATE OF SERVICE

Benjamin J. Silver, Supervising Attorney, Public Access Bureau, hereby certifies that he has served a copy of the foregoing Binding Opinion (Public Access Opinion 26-006) upon:

Mr. Jared Rutecki
Investigative Reporter
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jrutecki@wttw.com

Ms. Sandy Cruz
Records Clerk
Oak Lawn Police Department
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scruz@oaklawn-il.gov

by causing a true copy thereof to be sent electronically to the addresses as listed above and by causing to be mailed a true copy thereof in correctly addressed, prepaid envelopes to be deposited in the United States mail at Chicago, Illinois on June 30, 2026.



Benjamin J. Silver
Supervising Attorney

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