

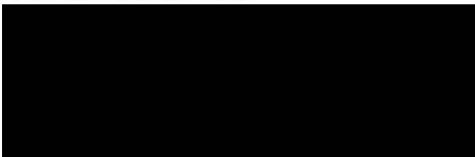


OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

May 1, 2024

Via electronic mail



Via electronic mail

Ms. Patricia Contey
Records - Mokena Police Department
10907 Front Street
Mokena, Illinois 60448
admin@mokenapd.com

RE: FOIA Request for Review – 2024 PAC 80926; Reference #M000152-032324

Dear [REDACTED] and Ms. Contey:

This determination is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2022), as amended by Public Act 103-069, effective January 1, 2024).

On March 23, 2024, [REDACTED] submitted a FOIA request to the Mokena Police Department (Police Department) seeking a copy of a police report. On March 28, 2024, the Police Department provided records with certain information redacted pursuant to section 7(1)(b) of FOIA.¹ On April 5, 2024, [REDACTED] submitted the above-referenced Request for Review disputing those redactions.

¹ 5 ILCS 140/7(1)(b) (West 2022), as amended by Public Acts 103-154, effective June 30, 2023; 103-423, effective January 1, 2024; 103-462, effective August 4, 2023; 103-446, effective August 4, 2023; 103-540, effective January 1, 2024; 103-554, effective January 1, 2024.

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██████████
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On April 10, 2024, an Assistant Attorney General (AAG) in the Public Access Bureau reached out to ██████████ for a copy of the redacted record(s) she received from the Police Department. On April 11, 2024, ██████████ told the AAG that she already had submitted copies of all the records she received. However, ██████████ did provide the AAG with a copy of the handwritten note detailing the exact report number. The note specified Case Number 24-0223 and listed the name and badge number of the assisting officer.²

On April 16, 2024, this office sent a copy of ██████████ Request for Review to the Police Department and asked it to provide this office with unredacted copies of records withheld for this office's confidential review, together with a detailed explanation of the legal and factual bases for the applicability of section 7(1)(b) of FOIA. This office also asked the Police Department to provide a copy of the redacted case report it gave ██████████ on March 28, 2024. On that same date, the Police Department provided this office with those materials. Later that afternoon, this office forwarded a copy of the Police Department's response to ██████████; she did not reply.

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 2022); *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 2022).

Section 7(1)(b) of FOIA

Section 7(1)(b) of FOIA 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 2022)) 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. (Emphasis added.)

²E-mail from ██████████ to Christina Lucente-McCullough, [Assistant Attorney General, Public Access Bureau] (April 12, 2024).

