

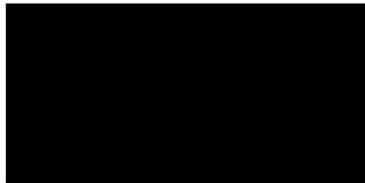


OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

May 13, 2025

Via electronic mail



RE: FOIA Request for Review – 2025 PAC 86210

Dear [REDACTED]:

This determination is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2023 Supp.)). For the reasons explained below, this office has determined that your Request for Review is unfounded.

On March 14, 2025, [REDACTED] submitted a FOIA request to the Lombard Police Department (Department) seeking a copy of the police report involving a "medical assist" to an identified person at an identified address. The person identified in the FOIA request is not [REDACTED], and the FOIA request did not explain [REDACTED] connection with the incident or the individual. On March 17, 2025, the Department furnished [REDACTED] a report with redactions pursuant to section 7(1)(b) and 7(1)(c) of FOIA.¹

On April 9, 2025, this office received a letter from [REDACTED] challenging the redactions and explaining that after [REDACTED] received the redacted report from the Department, he contacted the Department to explain that the identified resident is his mother-in-law and that both of you are aware of her health issues. On April 16, 2025, [REDACTED] furnished this office a copy of the FOIA request and the Department's response to complete this Request for Review file.

¹5 ILCS 140/7(1)(c) (West 2023 Supp.), as amended by Public Acts 103-605, effective July 1, 2024; 103-865, effective January 1, 2025.

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In an attempt to resolve this matter, the Public Access Counselor contacted ██████████ by e-mail on April 28, 2025, and asked if the individual named in the report had consented in writing to her obtaining this report on their behalf, or if she had any other documents, such as a medical power of attorney or guardianship, that reflected that the individual had consented to her receiving personal medical information about them. The next day, ██████████ responded by reiterating that he and his family are aware of the individual's issues, but that he could obtain a written consent to disclosure from his mother-in-law if necessary. ██████████ also indicated that he would attempt to call this office. As of the date of this letter, the Public Access Counselor has not received a call from ██████████.

On May 1, 2025, the Public Access Counselor asked the Department to provide this office a copy of the redacted report it provided in response to the request, along with its redaction log; it provided those records later that day. The report is described as an "assist fire department" incident in a private residence/home in which an officer was dispatched for "an unresponsive person in the bedroom." The Department redacted the date of birth and home phone number for the individual listed on the report, the name, date of birth, and mobile phone number for another person present on the scene, and a paragraph from the narrative. The redaction log reflects that the Department relied on sections 7(1)(b) and 7(1)(c) of FOIA. There is no indication in the report that the Department conducted a criminal investigation or arrested anyone in connection with the incident, and the Request for Review explains that the subject of the report survived the medical incident.

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.**" (Emphasis added.) 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." "[T]he core purpose of the FOIA is to expose what the government is doing, not what its private citizens are up to." *Chicago Alliance for Neighborhood Safety v. City of Chicago*, 348 Ill. App. 3d 188, 211 (2004) (quoting *Lakin Law Firm, P.C. v. F.T.C.*, 352 F.3d 1122, 1124 (7th Cir. 2003)).

Based on this office's review of the report, disclosure of additional information concerning the Department's assistance with an unresponsive person without the written consent of that person would cause a clearly unwarranted invasion of personal privacy to that person. ██████████ FOIA request to the Department did not include that person's written consent to allow personal information to be disclosed. Although this office recognizes ██████████ have personal interest in the requested report, and ██████████ has indicated that she is aware of the person's medical history, the specific report at issue concerns a highly personal matter and this office has not received or reviewed information indicating that there is a public interest in

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disclosure of the information in the records that outweighs the subject's right to privacy under the circumstances. Even if [REDACTED] are certain that the subject of the report would not object to them obtaining an unredacted copy of the report, the section 7(1)(c) exemption permits the Department to withhold details of the type of incident documented in the report without the written consent of the subject. Accordingly, this office concludes that the allegation that the Department violated FOIA by providing a redacted report in response to the request is unfounded.

[REDACTED] e-mail to this office stated that he believed he could obtain written consent to disclosure from the subject of this incident to provide to the Department. Once [REDACTED] obtain that written consent, they may wish to submit a new FOIA request to the Department with that information included.

This file is closed. If you have any questions, you may contact me at leah.bartelt@ilag.gov.

Very truly yours,

[REDACTED]
LEAH BARTELT
Public Access Counselor
Public Access Bureau

86210 f unf pd

cc: *Via electronic mail*
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