



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 21, 2014

Via electronic mail

Mr. Jake Griffin
Senior Writer
Daily Herald
155 East Algonquin Road
Arlington Heights, Illinois 60005
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Via electronic mail

Ms. Therese Wilde
Village Clerk / FOIA Officer
Village of Carpentersville
1200 L.W. Besinger Drive
Carpentersville, Illinois 60110
twilde@vil.carpentersville.il.us

RE: FOIA Request for Review – 2014 PAC 31046

Dear Mr. Griffin and Ms. Wilde:

This letter is to clarify the Public Access Bureau's determination in the above-captioned Request for Review, issued October 15, 2014. In that letter, this office concludes that the Village of Carpentersville had not sustained its burden of demonstrating that records pertaining to Mr. Joshua Paul's arrest are exempt from disclosure pursuant to the asserted exemptions, with the exception of discrete "private information" under section 7(1)(b) (5 ILCS 140/7(1)(b) (West 2013 Supp.), as amended by Public Act 98-695, effective July 3, 2014).¹

¹FOIA defines private information as:

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[.] 5 ILCS 140/2(c-5) (West 2012).

Mr. Jake Griffin
Ms. Therese Wilde
October 21, 2014
Page 2

To briefly review, on August 25, 2014, Mr. Jake Griffin, on behalf of the *Daily Herald*, submitted a FOIA request to the Village of Carpentersville (Village) seeking all written reports and audio and video recordings concerning the arrest of Mr. Paul on August 17, 2014. The Village denied that request in its entirety, citing sections 7(1)(b), 7(1)(c), 7(1)(d)(iii), 7(1)(d)(vi), and 7(1)(d)(vii) of FOIA (5 ILCS 140/7(1)(b), (1)(c), (1)(d)(iii), (1)(d)(vi), (1)(d)(vii) (West 2013 Supp.), as amended by Public Act 98-965, effective July 3, 2014). After receiving this office's determination letter stating that the records should be disclosed, Mr. Griffin questioned whether the conclusions in that letter applied to the audio and video recordings at issue, as well as the written reports.

The audio and video recordings were provided confidentially to this office and reviewed by an Assistant Attorney General in the Public Access Bureau. Our conclusion that the arrest records do not contain graphic details or images of the decedent which, if disclosed, would constitute an unwarranted invasion of the surviving family members' personal privacy, applies to recordings as well as to the written records. The Village has not sustained its burden of showing that any of the requested records, including the recordings, are exempt in their entireties. Accordingly, this office requests that the Village disclose those records to Mr. Griffin.

If you have any questions, please contact me at (312) 814-6756.

Very truly yours,



STEVE SILVERMAN
Assistant Bureau Chief
Public Access Bureau