

LAW OFFICES

STORINO, RAMELLO & DURKIN

9501 WEST DEVON AVENUE
ROSEMONT, ILLINOIS 60018

(847) 318-9500

FACSIMILE (847) 318-9509

DONALD J. STORINO
MICHAEL K. DURKIN
RICHARD J. RAMELLO
NICHOLAS S. PEPPERS
THOMAS M. BASTIAN
ANGELO F. DEL MARTO
JAMES E. MACHOLL
BRIAN W. BAUGH
ANTHONY J. CASALE
ANDREW Y. ACKER
PETER A. PACIONE
MELISSA M. WOLF
MATTHEW G. HOLMES
MICHAEL R. DURKIN

THOMAS J. HALLERAN
ERIN C. TINAGLIA
ADAM R. DURKIN

JOSEPH G. KUSPER
MARK R. STEPHENS
BRYAN J. BERRY
ANN M. WILLIAMS
LEONARD P. DIORIO
RICHARD F. PELLEGRINO
DONALD J. STORINO II

OF COUNSEL

IN REPLY REFER TO FILE NO.

May 7, 2015

Mr. Thomas Schuba
thomas.schuba@nbcuni.com

EP-1

Re: Freedom of Information Act Request

Dear Mr. Schuba:

On April 23, 2015, the Village of Elmwood Park received your Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for the following records:

"1) All incidents and reports of stranger-related child-abductions, attempted child-abductions, child-lurings and attempted child-lurings, occurring in Elmwood Park from January 1, 2010 to the present;

and

2) All community alerts issued by Elmwood Park, relating to any incident described above, from January 1, 2013 to the present."

On April 30, 2015, the Village of Elmwood Park sent you correspondence regarding your FOIA request. This correspondence stated that based upon the information provided in your FOIA request, the Village of Elmwood Park located records relating to four (4) incidents. In addition, the Village of Elmwood Park's April 30, 2015, correspondence indicated that due to the general language of your FOIA request, the Village of Elmwood Park was unable to conduct a comprehensive search for all records responsive to your FOIA request. Therefore, the Village of Elmwood Park requested that you provide additional information, such as police report numbers and/or names of arrestees, which would allow the Village of Elmwood Park to conduct a complete search for the records you are requesting. As of today, May 7, 2015, you have not provided the Village of Elmwood Park with additional information that would allow the Village of Elmwood Park to conduct a comprehensive search for the records you are requesting.

STORINO, RAMELLO & DURKIN

Mr. Thomas Schuba
May 7, 2015
Page 2

Enclosed please find records responsive to your FOIA request that relate to the four (4) incidents that the Village of Elmwood Park referenced in its April 30, 2015, correspondence. However, please be advised that certain information in the records being provided has been determined to be exempt from disclosure under FOIA, and that information has been redacted from the records being provided.

Section 7(1)(a) of the FOIA provides that, “[i]nformation specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law” is exempt from disclosure. Section 1240.80d) of Title 20, entitled “Corrections, Criminal Justice, and Law Enforcement,” of the Illinois Administrative Code provides that, “LEADS data shall not be disseminated to any individual or organization that is not legally authorized to have access to the information.” Consequently, information obtained through the Law Enforcement Agencies Data System (“LEADS”) has been redacted from the records being provided.

Section 7(1)(b) of FOIA provides that “private information” is exempt from disclosure. “Private information” is defined in FOIA 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, except as otherwise provided by law or when compiled without possibility of attribution to any person.” 5 ILCS 140/2(c-5). Consequently, certain unique identifiers, including social security numbers, driver’s license numbers, home or personal telephone numbers, home addresses, and personal license plates, have been redacted from the records being provided.

Section 7(1)(c) of FOIA provides that, “[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy ...” is exempt from disclosure. Consequently, birthdates and other personal information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as victims’ names and identifying information, the names of suspects who were never arrested, and the names of third parties who incidentally appear in police reports, have been redacted from the records being provided.

Section 7(1)(d)(iv) of FOIA provides that, “[r]ecords in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes ...” are exempt from disclosure, “but only 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 administrative, investigative, law enforcement, or penal agencies” Consequently, information that would reveal the identity of persons who have filed complaints with or who have provided information to the Village of Elmwood Park Police Department has been redacted from the records being provided.

STORINO, RAMELLO & DURKIN

Mr. Thomas Schuba
May 7, 2015
Page 3

The person responsible for the decision to deny a portion of your FOIA request is the Village of Elmwood Park Freedom of Information Officer, Gina Pesko. In accordance with Section 9(a) of FOIA, you are hereby notified that you have the right to file a Request for Review regarding the decision made by the Village of Elmwood Park Freedom of Information Officer with the Public Access Counselor at the Illinois Attorney General's Office. You can file your Request for Review with the Public Access Counselor by writing to:

Sarah Pratt
Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us

If you choose to file a Request for Review with the Public Access Counselor, you must do so within 60 calendar days of the date of this letter. Please note that you must include a copy of your original FOIA request and this letter when filing a Request for Review with the Public Access Counselor.

You are also notified that you have the right to judicial review regarding the decision made by the Village of Elmwood Park Freedom of Information Officer pursuant to Section 11 of FOIA.

Sincerely,

STORINO, RAMELLO & DURKIN
Attorneys for the Village of Elmwood Park


Erin C. Tinaglia

Enclosures