

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.

March 8, 2016

Mr. Pasquale Martorana
pasmartorana@yahoo.com

EP-1

Re: Freedom of Information Act Request

Dear Mr. Martorana:

The Village of Elmwood Park is in receipt of your February 23, 2016, Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for the following records:

"Pursuant to the Freedom of Information Act, I hereby request any and all documents related to service calls at the property known as 2214 N. 75th Ct from January, 2010 to February 23, 2016, including the name of the most current [*sic*] owner of record at this property."

Enclosed please find the records responsive to your FOIA request. However, please be advised that certain information in the records responsive to your FOIA request has been determined to be exempt from disclosure under FOIA. Accordingly, such information has been redacted from the records being provided.

Section 7(1)(a) of 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. The Juvenile Court Act of 1987 (705 ILCS 405/1 *et seq.*) mandates that reports in which a minor was arrested, charged, or investigated must be withheld in full. Section 1-7(A) of the Juvenile Court Act of 1987 states that, "[i]nspection and copying of law enforcement records maintained by law enforcement agencies that relate to a minor who has been investigated, arrested, or taken into custody before his or her 18th birthday shall be restricted" to specifically enumerated individuals whose access to such records is necessary for the performance of their official duties. Your FOIA request seeks records which are prohibited from disclosure pursuant to the Juvenile Court Act of 1987. Consequently, records that are

STORINO, RAMELLO & DURKIN

Mr. Pasquale Martorana
March 8, 2016
Page 2

prohibited from disclosure pursuant to the Juvenile Court Act of 1987 have been redacted from the records being provided.

Your FOIA request also seeks records obtained through the Law Enforcement Agencies Data System ("LEADS") that are prohibited from disclosure pursuant to Section 7(1)(a) of FOIA. Section 1240.80(d) 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 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, personal license plates, and signatures, 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, including victims' names and identifying information, the names of suspects who were never arrested, insurance policy numbers, and the races of individuals, 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 filed complaints with or provided information to the Village of Elmwood Park Police Department has been redacted from the records being provided.

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

STORINO, RAMELLO & DURKIN

Mr. Pasquale Martorana
March 8, 2016
Page 3

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