

## Court Rules Ill. State Police Officials Not Required to Release Names and Addresses of Individuals Possessing FOID Cards

DECEMBER 5, 2011

A Peoria County Circuit Court judge ruled today that Illinois State Police Officials are not required to release the names and addresses of individuals who possess Firearm Owner Identification (FOID) cards. The Court also found that the release of names is exempt from disclosure under the Freedom of Information Act (FOIA), which permanently bars the Illinois State Police from revealing the identities of the state's firearm owners.

In September 2010, the Illinois State Police (ISP) received a FOIA request seeking the name and date of issuance and the expiration of each person with a FOID card in the ISP's FOID database. The Illinois State Police argued that the request posed an unwarranted invasion of personal privacy. The Agency was sued, and after months of citing exemptions of endangerment to the lives and safety of law enforcement officers and citizens, a permanent injunction was entered.

Governor James Thompson and Winston Associate Matthew Carter were appointed Special Assistant Attorneys General by the Office of the Illinois Attorney General to represent the Department of State Police of the State of Illinois in the case. See *Illinois State Rifle Association, et al. v. Illinois State Police, et al., Peoria County Circuit Court Case, No. 11 CH 151*. They, in turn, had argued on ISP's behalf that concerns for public safety are not speculative, and provided the court with several examples of recent murders in which the victims, one a Chicago Police Officer, were murdered for guns.

"The Illinois State Police has a duty to protect the citizens of Illinois, and to ensure that they are not unnecessarily placed at risk," said Illinois State Police Director Hiram Grau. "At the same time, we must constantly balance the dissemination of public information against the privacy rights of individuals when responding to Freedom of Information Act requests in determining whether the information should, in fact, be made available to the public," he stressed.

According to a spokesperson for the Illinois State Police, every effort had been made to provide statistical data, while balancing the Freedom of Information Act process with the unwarranted invasion of personal privacy throughout the legal proceedings. The Agency acted accordingly under the law, citing private information and an unwarranted invasion of privacy for those in possession of a FOID card.

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FOID

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Matthew Carter