OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 25, 2010

Patti Taves
Glen Ellyn Police Department
Records Supervisor
535 Duane Street
Glen Ellyn, Illinois 60137-4675

RE: Pre-Authorization Request – 2010 PAC 5810

Dear Ms. Taves:

We have received and reviewed the written notice from the Glen Ellyn Police Department (Department) of its intention to deny certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act, (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

[redacted] submitted a FOIA request dated January 29, 2010, seeking copies of records concerning an event which occurred at 417 Dawn Avenue, Glen Ellyn, Illinois, sometime in 1993. In its written notice, the Department asserted that a date of birth is exempt from disclosure under Section 7(1)(c) of FOIA.

Section 7(1)(c) of FOIA exempts from inspection and copying "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). The exemption defines "[u]nwarranted 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." *Id.*

Determination

The Department's use of the exemption in Section 7(1)(c) with regard to a date of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. As such, the Department may issue a partial denial letter directly to [redacted] and release the records to her with the appropriate information redacted.

Please note that the use of exemptions 7(1)(b) or 7(1)(d) to partially deny disclosure of public records does not require pre-approval from our Office. This letter gives no advice or opinion with regard to the use of these exemptions. Although the Department does not cite to the exemption in Section 7(1)(a) in its notice to our Office, we would also note that the Juvenile Court Act (705 ILCS 405/1-1 *et seq.*) may require the Department to redact additional identifying information, including the name of the minor child referred to in the responsive records the Department has provided.

If you have any questions, please feel free to contact me at (217) 782-9078. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: [redacted]

Matthew M. Sebek
Assistant Attorney General, Public Access Division

cc: [redacted]