



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 19, 2010

Dr. Sandra Doebert
Lemont High School District 210
800 Porter Street
Lemont, Illinois 60439

RE: Pre-Authorization Request – 2010 PAC 6135

Dear Ms. Doebert:

We have received and reviewed the written notice from Lemont High School District 210 (District) of its intent to deny disclosure of certain dates of birth as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

The District received a FOIA request dated February 17, 2010, from reporter [REDACTED] seeking records related to District employee salaries, expenses, and credit card use. In its written notice to us, the District sought to deny disclosure of employees' dates of birth as a clearly unwarranted invasion or personal privacy under subsection 7(1)(c) of FOIA.

The Department's use of the subsection 7(1)(c) exemption with regard to the dates of birth is approved. Subsection 7(1)(c) of FOIA permits the withholding of "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." "Unwarranted invasion of personal privacy" is defined 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." 5 ILCS 140/7(c).

A date of birth is highly personal information that could be used in the course of fraud or identity theft. The employees' right to privacy with respect to their dates of birth outweighs any legitimate public interest in obtaining this information. Thus, disclosure

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of this information would constitute a clearly unwarranted invasion of personal privacy under subsection 7(1)(c). As the District has asserted that the employees have not provided written consent for the District to release their dates of birth, this information is exempt from inspection and copying under subsection 7(1)(c).

As such, the Department should issue a denial letter directly to [REDACTED]. Should you have questions or concerns, please feel free to contact me directly at (312) 793-0865. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: [REDACTED]

Sara Gadola Gallagher
Deputy Public Access Counselor

cc: [REDACTED]

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