



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 25, 2011

Mr. Michael Recupito
Director of Police Administration
Round Lake Police Department
741 West Townline Road
Round Lake, Illinois 60073

RE: FOIA Pre-Authorization Request – 2011 PAC 15006

Dear Mr. Recupito:

We have received and reviewed the written notice from the Round Lake Police Department (Department) of its intention to deny disclosure of certain information under section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2010)). On June 16, 2011, [REDACTED] submitted a FOIA request for any incident reports "that occurred at [REDACTED] while [REDACTED] lived there[.]" The Department seeks to redact dates of birth, portions of officers' narrative reports, and photographs from the reports.

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 the disclosure is consented to in writing by the individual subjects of the information." The exemption defines "unwarranted 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." 5 ILCS 140/7(1)(c) (West 2010).

DETERMINATION

The Department's use of the exemption in section 7(1)(c) to withhold dates of birth is **approved**. We have determined that the Department has met its initial burden of demonstrating that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy. 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. *See, e.g., Oliva v. United States*, 756 F. Supp. 105, 107 (E.D.N.Y. 1991) (holding

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that, under Exemption 6 of the Federal Freedom of Information Act (5 U.S.C. §552(b)(6)), "dates of birth[] are a private matter, particularly when coupled with * * * other information" and "would constitute a clearly unwarranted invasion of personal privacy"); *Texas Comptroller of Public Accounts v. Attorney General of Texas*, ___ S.W.3d ___, 54 Tex. Sup. Ct. J. 245 (2010) (state employees have a "nontrivial privacy interest" in their dates of birth under the Texas Public Information Act (*see* Tex. Gov't Code §§552.101, 552.102), which substantially outweighs the negligible public interest in disclosure).

Furthermore, the Department's assertion of section 7(1)(c) to withhold portions of the officers' narratives and photographs is **approved**. We have reviewed the unredacted copies of the documents and we have determined that releasing this information would constitute an unwarranted invasion of personal privacy. This type of information is highly personal by its very nature and [REDACTED] right to privacy outweighs any legitimate public interest in disclosing this information. Therefore, the Department has sustained its initial burden of demonstrating that this information is exempt from disclosure under section 7(1)(c).

If you have any questions, please contact me at (312) 814-2770. This correspondence shall serve to close this matter.

Very truly yours

[REDACTED]

JOHN SCHMIDT
Senior Assistant Attorney General
Public Access Bureau

JS:ah

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cc:

[REDACTED]