



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

June 29, 2011

Mr. Jeff Fronczak  
FOIA Officer  
Office of the President  
Cook County Board of Commissioners  
69 West Washington Street, Ste. 3500  
Chicago, IL 60602

RE: FOIA Pre-Authorization Request - 2011 PAC 14869

Dear Mr. Fronczak:

We have received and reviewed the written notice from the Office of the President of the Cook County Board of Commissioners 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 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010). The President's Office is seeking to redact dates of birth from the requested documents.

On June 15, 2011, the Chicago Sun-Times submitted a FOIA request for employee work-history information for the following people: [REDACTED], [REDACTED], [REDACTED] (also known as [REDACTED] and [REDACTED]), [REDACTED] and [REDACTED]. In its written notice, the President's Office asserts that dates of birth are 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 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 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010.

Mr. Jeff Fronczak  
June 29, 2011  
Page 2

### DETERMINATION

The President's Office's use of the exemption in section 7(1)(c) for the dates of birth is **approved**. We have determined that the President's Office 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 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).

Accordingly, the President's Office may issue a partial denial letter and release the records with the dates of birth redacted, if it has not already done so.

If you have any questions, please contact me at (877) 299-3642. This correspondence shall serve to close this matter.

Very truly yours,



DUSHYANTH REDDIVARI  
Assistant Attorney General  
Public Access Bureau

14869 Pre-auth al 71c dob county

cc: Mr. Chris Fusco  
Chicago Sun-Times  
cfusco@suntimes.com

Mr. Tim Novak  
Chicago Sun-Times  
tnovak@suntimes.com