



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 5, 2011

Mr. Chris Jasculca
FOIA Officer
Oak Park Elementary School District 97
970 Madison
Oak Park, Illinois 60302

RE: FOIA Pre-Authorization Request – 2011 PAC 15101

Dear Mr. Jasculca:

We have received and reviewed the written notice from Oak Park Elementary School District 97 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 10, 2011, Ms. Diane Rado and Ms. Duaa Eldeib of the *Chicago Tribune* submitted a FOIA request for certain information about District superintendents from the past decade. The District seeks preauthorization to redact dates of birth from the responsive records.

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

Mr. Chris Jasculca
July 5, 2011
Page 2

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 District may redact dates of birth from the responsive documents. If you have any questions, please contact me at (312) 814-2770. This correspondence shall serve to close this matter.

Very truly yours,



JOHN SCHMIDT
Senior Assistant Attorney General
Public Access Bureau

15101 Pre-auth al 7(1)(c) dob priv sd

cc: Ms. Diane Rado
Ms. Duaa Eldeib
Chicago Tribune
435 N. Michigan Ave.
Chicago, IL 60611