



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

July 1, 2011

Ms. Beth Shepperd  
Assistant Superintendent  
Human Resources & Community Relations  
Board of Education of Champaign Community  
Unit School District No. 4  
703 S. New Street  
Champaign, Illinois 61820

RE: FOIA Pre-Authorization Request - 2011PAC 15170

Dear Ms. Shepperd:

We have received and reviewed the written notice from the Board of Education of Champaign Community Unit School District No. 4 (School District) 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). The School District is seeking to redact dates of birth from the requested documents.

On June 13, 2011, Mr. Gerald Smith, attorney for [REDACTED] submitted a FOIA request for copies of the documents described in Mr. Smith's letter. In its written notice, the School District 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 2010).

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### DETERMINATION

The School District's use of the exemption in section 7(1)(c) for the dates of birth is **approved**. We have determined that the School 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 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 School District may issue a partial denial letter and release the documents with the dates of birth redacted, if it has not already done so.

If you have any questions, please contact me at (312) 814-6756. This correspondence shall serve to close this matter.

Very truly yours,

*STEVE SILVERMAN*  
by EK

STEVE SILVERMAN  
Assistant Attorney General  
Public Access Bureau

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cc: Mr. Gerald W. Smith  
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