



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 17, 2011

Ms. Julie Nistler
Freedom of Information Officer
Park Ridge Police Department
200 S. Vine Avenue
Park Ridge, Illinois 60068

RE: FOIA Pre-Authorization Request - 2011 PAC 15956

Dear Ms. Nistler:

We have received and reviewed the written notice from the City of Park Ridge Police Department (Department) of its intention to deny disclosure of certain information pursuant to section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2010)).

On July 21, 2011, Ms. Natalie Kuraja submitted a FOIA request seeking copies of "any and all police reports involving Lawrence Martin Kagan and/or Selena King Kagan." In its written notice, the Department asserts that dates of birth, names of suspects, and certain reports, in their entirety, 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

First, the Department's assertion of section 7(1)(c) to withhold dates of birth is **approved**. We conclude 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 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).

Second, the Department's assertion of section 7(1)(c) to withhold reports numbered 02-22252, 02-25236, 04-10126, 07-23407, and 08-21505 in their entirety is **approved**. Based on a thorough review of the records and the applicable statute, we conclude that the release of these incident reports would constitute a clearly unwarranted invasion of personal privacy. The type of information contained in the report is highly personal by its very nature and its release would be objectionable to a reasonable person. In addition, the Department advises that no individuals were arrested or charged in connection with the reported incidents. As a result, the Department has met its initial burden of demonstrating that this information is exempt from disclosure under section 7(1)(c).

Third, the Department's assertion of the exemption in section 7(1)(c) to withhold certain portions of reports 08-21455 and 10-07749 is **approved**. We agree that the information the Department seeks to withhold is highly personal by its very nature and its release would constitute an unwarranted invasion of personal privacy. Thus, the Department has met its initial burden to withhold this information under section 7(1)(c).

Last, the Department's assertion of section 7(1)(c) to withhold the names of the suspects contained in report numbers 08-20722 and 10-03367 is **approved**. We conclude that the Department has met its initial burden of demonstrating that the disclosure of the names of people suspected of crimes for which they were never arrested or charged would be highly objectionable to a reasonable person. Under these circumstances, the right to privacy outweighs any public interest in the information that the Department intends to withhold.

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Accordingly, the Department may issue a partial denial letter and release the reports with the appropriate information redacted, if it has not already done so. If you have any questions, please contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Very truly yours,



TOLA SOBITAN
Assistant Attorney General
Public Access Bureau

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cc: Ms. Natalie Kuraja
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