



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

August 2, 2011

Ms. Julie Nistler  
FOIA Officer  
Park Ridge Police Department  
200 South Vine Avenue  
Park Ridge, Illinois 60068

RE: FOIA Pre-Authorization Request – 2011 PAC 15488

Dear Ms. Nistler:

We have received and reviewed the written notice from the Park Ridge 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 July 5, 2011, [REDACTED] submitted a FOIA request for all incident reports at a particular address in which two named police officers were involved. The Department seeks to redact dates of birth, notes, and supplemental narratives, 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 assertion of section 7(1)(c) to redact dates of birth is **approved**. 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).

Additionally, the Department's redaction of certain notes and supplemental narratives is also **approved**. We have reviewed unredacted copies of reports #97-04742 and #04-21554, and we have determined that they pertain to highly personal domestic incidents. Under these circumstances, the subjects' right to privacy outweighs any legitimate public interest in this information. Therefore, we conclude that the Department has met its initial burden of demonstrating that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

However, we would note that the Department is required, pursuant to section 2.15(a) of FOIA (5 ILCS 140/2.15(a) (West 2010)), to disclose the following information regarding the arrestee in report #04-21554:

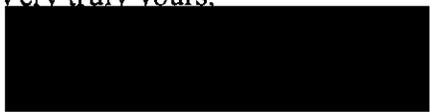
- (i) information that identifies the individual, including the name, age, address, and photograph, when and if available;
- (ii) information detailing any charges relating to the arrest;
- (iii) the time and location of the arrest;
- (iv) the name of the investigating or arresting law enforcement agency;
- (v) if the individual is incarcerated, the amount of any bail or bond; and
- (vi) if the individual is incarcerated, the time and date that the individual was received into, discharged from, or transferred from the arresting agency's custody.

The Department also indicates that it intends to redact certain information under sections 7(1)(b) and 7(1)(d)(iv) of FOIA (5 ILCS 140/7(1)(b), (d)(iv) (West 2010)). Because advance approval by the Public Access Counselor is not required for the assertion of exemptions other than those set forth in sections 7(1)(c) and 7(1)(f) (5 ILCS 140/7(1)(f) (West 2010)), we make no determination at this time regarding the applicability of any other exemptions.

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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

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JS:ah

cc:

