



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 24, 2011

Ms. Stephanie Patterson
Office of the Governor
100 West Randolph Street, Suite 15-100
Chicago, Illinois 60601

RE: FOIA Pre-Authorization Request – 2011 PAC 16067

Dear Ms. Patterson:

We have received and reviewed the written notice from the Office of the Governor (Governor's Office) of its intention, pursuant to section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2010), to deny disclosure of a date of birth. On August 1, 2011, [REDACTED] submitted a FOIA request to the Governor's Office seeking a copy of "the official notice of appointment" nominating Ms. Jennifer Burke to the Illinois Pollution Control Board. The Governor's Office sought pre-authorization to deny disclosure of Ms. Burke's date of birth pursuant to section 7(1)(c).

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." Section 7(1)(c) also provides that "[t]he disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy."

DETERMINATION

The assertion by the Governor's Office of the section 7(1)(c) exemption to deny disclosure of Ms. Burke's date of birth is **approved**. A date of birth is highly personal information by its very nature, and the subject's right to privacy with respect to this information outweighs any legitimate public interest in its disclosure. Thus, disclosure of this information would constitute a clearly unwarranted invasion of the personal privacy of the subject.

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We note that the Governor's Office intends to deny disclosure of other information responsive to [REDACTED] FOIA request based on other exemptions in FOIA, the use of which do not require preapproval from our office. As such, we decline to determine at this stage whether the Governor's Office's use of those exemptions is appropriate with regard to the responsive records.

Should you have any questions or concerns, please contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Very truly yours,

[REDACTED]
SARA GADOLA GALLAGHER
Assistant Attorney General
Public Access Bureau

cc: [REDACTED]