



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

April 13, 2010

Ann Kavanaugh  
Records Supervisor  
Schaumburg Police Department  
1000 W. Schaumburg Road  
Schaumburg, Illinois 60194-4198

RE: Pre-Authorization Request – 2010 PAC 6598

Dear Ms. Kavanaugh:

We have received and reviewed the written notice from the Schaumburg Police Department (Department) of its intention to deny certain information as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended. The Department is seeking to redact a date of birth from the requested document.

On April 1, 2010 [REDACTED] submitted a FOIA request for Motor Vehicle Theft Case Report #09-27382. In its written notice, the Department asserted that the date of birth is exempt from disclosure under subsection 7(1)(c) of FOIA as “release of this information would constitute a clearly unwarranted invasion of personal privacy.”

Subsection 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 disclosure is consented to in writing by the individual subjects of the information.” 5 ILCS 140/7(1)(c). The exemption defines “[u]nwarranted 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.” *Id.*

**Determination**

The Department’s use of the exemption in 7(1)(c) with regard to dates of birth is approved. We have determined 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

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the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

As such, the Department's issuance of a partial denial letter to [REDACTED] and the release of the record with the date of birth redacted were appropriate.

If you have any questions, please feel free to contact me at (312) 814-1003. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:

*Jessica O'Leary*  
Jessica O'Leary *by EK*  
Assistant Attorney General

cc: [REDACTED]