



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 9, 2010

Deputy Clerk Laura Godette
FOIA Officer
Village of Tinley Park
16250 South Oak Park Avenue
Tinley Park, Illinois 60477

RE: Pre-Authorization Request – 2010 PAC 6599

Dear Deputy Clerk Godette:

We have received and reviewed the written notice from the Village of Tinley Park (Village) of its intent to deny disclosure of certain information in a police report as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

██████████ submitted a FOIA request dated March 30, 2010, seeking a copy of “all records against Michael S. Beeker, 10-6096” (Records). In its written notice, the Village asserted that “names, date of births (sic) and vehicle registration” are exempt from disclosure under subsection 7(1)(c) of FOIA.

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 the 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.*

Determinations

First, the Village’s use of the exemption in 7(1)(c) with regard to dates of birth is approved. We have determined that the disclosure of a date 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 under Section 7(1)(c). 5 ILCS 140/7(1)(c). As such, the Village should issue a partial denial letter directly to Ms. Blocker and release the document to her with the dates of birth redacted.

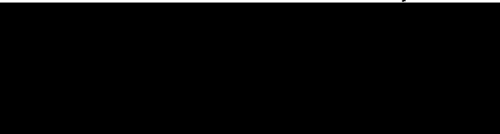
Second, the "names" and the "vehicle registration" information that the Village is seeking to withhold pursuant to exemption 7(1)(c), is **denied**. The Village has not met its burden of showing through clear and convincing evidence that the exemption applies. 5 ILCS 140/1.2. In fact, the Village has not submitted any basis or detailed explanation as to why the "names" and "vehicle registration" information should be withheld under exemption 7(1)(c).

Please note that a public body may redact "private information" such as driver's license numbers and personal license information under Section 7(1)(b) and as defined in Section 2(c-5) without seeking pre-authorization from our office.

Should you have questions or concerns, please feel free to contact me at (312) 814-5206.

Sincerely,

Cara Smith
Public Access Counselor



Amanda Kioja
Chief Deputy Public Access Counselor

cc:

