



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

April 12, 2010

Ms. Laura Godette
Deputy Clerk
Village of Tinley Park
16250 South Oak Park Avenue
Tinley Park, Illinois 60477

RE: Pre-Authorization Request – 2010 PAC 6675

Dear Ms. 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 as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA). The Village seeks to redact the name and date of birth of a suspect on incident report number 01-08-025812.

The Village's use of the exemption in 7(1)(c) with regard to the name of the suspect is denied. FOIA specifically provides that arrest reports must be provided promptly and must include enough information to identify the suspect. 5 ILCS 140/2.15(a). Therefore, the Village should not redact the suspect's name from this report. In addition, Section 2.15(a) permits the disclosure of an arrestee's age. With regard to date of birth of the arrestee, the Village may disclose the arrestee's day and month of birth, but not year. Please see below.

The Village's use of the exemption in 7(1)(c) with regard to the dates of birth is approved. We have determined that the disclosure of an individual's date of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c) of FOIA. 5 ILCS 140/7(1)(c). This type of information is highly personal, and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. The Village should issue a partial denial letter directly to [REDACTED] and release the records to [REDACTED] with the date of birth of the suspect redacted.

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If you have any questions, please feel free to contact me at (312) 814-5206. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


Amalia Rioja
Chief Deputy Public Access Counselor

cc:

