



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 16, 2010

Beverly Glass
Frankfort Police Department
20602 Lincoln Way Lane
Frankfort, Illinois 60423

RE: Pre-Authorization Request – 2010 PAC 6735

Dear Ms. Glass:

We have received and reviewed the written notice from the Frankfort Police Department (Department) of its intention to deny certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended.

██████████ submitted a FOIA request on April 7, 2010 for Police Department Incident Report 2010-00860. In its written notice, the Department asserted that the date of birth on the document is exempt from disclosure under Section 7(1)(c) of FOIA.

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 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 the date of birth is approved. The disclosure of the date of birth would constitute a clearly unwarranted invasion of personal privacy. 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.

Ms. Beverly Glass
April 16, 2010
Page 2

As such, the Department may issue a partial denial letter directly to [REDACTED] and release the report to her with the date of birth redacted.

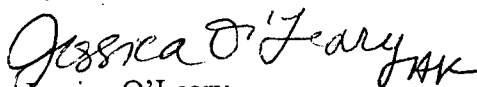
In reviewing the documents submitted, we noticed that the Department is also proposing to redact other information under Section 7(1)(b) of FOIA. Because FOIA does not provide for this Office to review and pre-authorize Section 7(1)(b) redactions, we express no opinion on whether the Department's use of the Section 7(1)(b) exemption was proper with regard to the above-referenced FOIA request.

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
Assistant Attorney General

cc: [REDACTED]