



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 19, 2010

Ms. Janet Binder
FOIA Officer
Village of Villa Park
20 South Ardmore Avenue
Villa Park, Illinois 60181-2696

RE: Pre-Authorization Request – 2010 PAC 6753

Dear Ms. Binder:

We have received and reviewed the written notice from the Village of Villa 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 seeking copies of records involving any police activity or calls at an apartment building in Villa Park within a certain time frame (Records). In its written notice, the Village asserted that the Records contain personal information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy under subsection 7(1)(c) of FOIA. The Village further asserted that the “[i]nformation redacted includes birthdate, address and phone number of complainant and subject”.

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

The Village’s use of the subsection 7(1)(c) exemption with regard to the dates of birth in the Records is **approved**. A date of birth is highly personal information, and an individual’s right to privacy with respect to this information outweighs any legitimate public interest in obtaining it. Thus, disclosure of the dates of birth would constitute a clearly unwarranted invasion of personal

privacy to the individuals in the Records and is therefore exempt from disclosure under subsection 7(1)(c).

However, home addresses and personal telephone numbers are "private information" that is exempt from disclosure under subsection 7(1)(b) of FOIA. The Village's use of this exemption to deny disclosure of information does not require preapproval from our office.

As such, the Village should issue a partial denial letter directly to [REDACTED]. Should you have questions or concerns, please feel free to contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: [REDACTED]

Sara Gadola Gallagher
Deputy Public Access Counselor

cc: [REDACTED]