



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 19, 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 6764

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 April 9, 2010, seeking a copy of Report No. 09-014927. In its written notice, the Village asserted that a telephone number and a date of birth are exempt from disclosure under subsection 7(1)(c) of FOIA.

The telephone number the Village intends to redact falls within the Section 7(1)(b) exemption for private information. “‘Private information’ means unique identifiers, including a person’s social security number, driver’s license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person.” 5 ILCS 140/7(1)(b)(emphasis added).

Use of the 7(1)(b) exemption to partially deny disclosure of public records does not require preapproval from our Office.

Determinations

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.*

The Village's use of the subsection 7(1)(c) exemption with regard to a date of birth in the report 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 a date of birth would constitute a clearly unwarranted invasion of personal privacy and is therefore exempt from disclosure under subsection 7(1)(c).

Accordingly, if it has not already done so, the Village may issue a partial denial letter directly to [REDACTED] and release the requested records to him with the appropriate information redacted.

Should you have questions or concerns, 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:

[REDACTED]
Amanda Kioja
Chief Deputy Public Access Counselor

cc:

[REDACTED]