Access, Public

From: Access, Public
Sent: Tuesday, April 20, 2010 11:27 AM
To: [redacted]
Subject: Please see attached
Attachments: 2010 PAC 6784.pdf

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 20, 2010

Trooper Kerry Sutton
Illinois State Police
801 S. Seventh St., Suite 1000-S
PO Box 19461
Springfield, IL 62794

RE: Pre-Authorization Request – 2010 PAC 6784

Dear Trooper Sutton:

We have received and reviewed the written notice from the Illinois State Police (ISP) 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. ISP is seeking to redact dates of birth from the requested documents.

[redacted] submitted a FOIA request on April 6, 2010 for Traffic Crash Report #02-10-00263 and related documents. In its written notice, ISP asserted that the dates of birth are exempt from disclosure under Section 7(1)(c) of FOIA.

Determinations with respect to 7(1)(c)

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.

ISP's use of the Section 7(1)(c) exemption with regard to the date of birth is approved. We have determined that the disclosure of dates 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.

As such, ISP may issue a partial denial letter to the requester and release of the records with the appropriate information redacted.

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/AK

Jessica O'Leary
Assistant Attorney General

cc: [redacted]