



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 28, 2010

Ms. Wendellyn J. Briggs
City Clerk/FOIA Officer
Town of Normal
100 East Phoenix Avenue
P.O. Box 589
Normal, Illinois 61761-0589

RE: Pre-Authorization Request – 2010 PAC 6918

Dear Clerk Briggs:

We have received and reviewed the written notice from the Town of Normal (Town) of its intent to deny disclosure of dates of birth in traffic accident reports as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA). 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.*

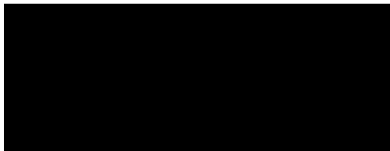
The Town’s use of the subsection 7(1)(c) exemption with regard to the dates of birth is **approved**. A date of birth is highly personal information, and an individual’s right to privacy with respect to his date of birth outweighs any legitimate public interest in obtaining it. Thus, disclosure of the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

Accordingly, the Town should issue a partial denial letter directly to [REDACTED] the FOIA requester. 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

cc:



By:

Sara Gadola Gallagher
Deputy Public Access Counselor