

Access, Public

From: Access, Public
Sent: Wednesday, April 28, 2010 3:49 PM
To: [REDACTED]
Subject: Please see attached
Attachments: 2010 PAC 6953.pdf



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 28, 2010

Nicole Wickham,
FOIA Officer
Aurora Police Department
1200 E. Indian Trail Road
Aurora, Illinois 60505-1896

RE: Pre-Authorization Request – 2010.PAC 6953

Dear Ms. Wickham:

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

██████████ submitted a FOIA request dated April 13, 2010, seeking a copy of a police report for an incident in 2005. In its written notice, the Department asserted that a date of birth is exempt from disclosure under Section 7(1)(c) of FOIA.

Determination

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.*

The Department’s use of the exemption in Section 7(1)(c) with regard to a date of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). 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, the Department should

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issue a partial denial letter directly to [REDACTED] and release the records to him with the appropriate information redacted.

If you have any questions, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Lola Dada-Olley
Lola Dada-Olley *by EK*
Assistant Public Access Counselor

cc: [REDACTED]