



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 4, 2010

Beverly Glass
Frankfort Police Department
20602 Lincoln Way Lane
Frankfort, IL 60423

RE: Pre-Authorization Request – 2010 PAC 7009

Dear Ms. Glass:

We have received and reviewed the written notice from the Frankfort Police Department (Department) of its intention to deny certain information as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended. The Department is seeking to redact a date of birth from the requested document.

██████████ submitted a FOIA request on April 23, 2010 for Police Department Incident Report 2010-01231. In its written notice, the Department asserted that the date of birth is exempt from disclosure under subsection 7(1)(c) of 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 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.*

Determination

The Department’s use of the exemption in 7(1)(c) 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, the Department’s issuance of a partial denial letter and its release of the report with the date of birth redacted were appropriate.

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:

