



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 11, 2010

Mr. Andrew Goczkowski
Staff Attorney
City of Des Plaines
1420 Miner Street
Des Plaines, Illinois 60016

RE: Pre-Authorization Request – 2010 PAC 7054

Dear Mr. Goczkowski:

We have received and reviewed the written notice from the City of Des Plaines (City) of its intent to deny disclosure of dates of birth in police 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). [REDACTED] submitted a FOIA request seeking several police reports related to incidents with her landlord. In its written notice, the City asserted that dates of birth are exempt from disclosure under subsection 7(1)(c) of FOIA.

Subsection 7(1)(c) 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”. The exemption defines “unwarranted 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.”

The City’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 by its very nature, and the subjects’ right to privacy with respect to this information outweighs any legitimate public interest in obtaining it. Thus, the dates of birth are exempt from disclosure under subsection 7(1)(c) of FOIA, as disclosure would constitute a clearly unwarranted invasion of personal privacy to the subjects of the information. As such, the City should issue a partial denial letter directly to [REDACTED]. 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:

A handwritten signature in cursive script that reads "Sara G. Gallagher".

Sara Gadola Gallagher
Deputy Public Access Counselor