



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 6, 2010

Laura Godette
Deputy Clerk
Village of Tinley Park
16250 S. Oak Park Ave.
Tinley Park, Illinois 60477

RE: Pre-Authorization Request – 2010 PAC 7072

Dear Ms. Godette:

We have received and reviewed the written notice from the Village of Tinley Park (Village) of its intention to deny certain information as exempt from disclosure under Sections 7(1)(b) and 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended. The Village is seeking to redact dates of birth from the requested documents.

██████████ submitted a FOIA request on April 27, 2010 for Incident Report #09-16793. In its written notice, the Village asserted that dates of birth are “personal information contained within the public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy” and are exempt from disclosure under Section 7(1)(c) of FOIA.

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.*

Determinations

The Village’s use of the Section 7(1)(c) exemption with regard to dates 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.

Accordingly, the Village's issuance of a partial denial letter and its release of the record with the dates of birth redacted were appropriate.


Please note, we express no opinion on whether the Village's use of the Section 7(1)(b) exemption was proper with regard to the above-referenced FOIA request.

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
Assistant Attorney General

cc:

