



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 6, 2010

Andrew Goczkowski
Staff Attorney
City of Des Plaines, City Manager's Office
1420 Miner Street
Des Plaines, Illinois 60016

RE: Pre-Authorization Request – 2010 PAC 7084

Dear Mr. Goczkowski

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

██████████ submitted a FOIA request on April 7, 2010 for a series of records relating to a fire which occurred on March 8, 2010 at 815 E. Oakton Street, Des Plaines, Illinois. In its written notice, the City asserted that dates of birth are exempt from disclosure under Section 7(1)(c) of FOIA as they are "inherently personal in nature, and that privacy concerns should outweigh any interest that an outside party may have in the requested information."

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.*

Determination

The City'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.

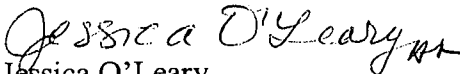
Accordingly, the City should issue a partial denial letter and release the records with the dates of birth redacted if it has not already done so.

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:

