



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

May 7, 2010

Ms. Julie Nistler
Police Records Supervisor/FOIA Officer
Park Ridge Police Department
200 S. Vine Avenue
Park Ridge, Illinois 60068

RE: Request for Pre-Approval, 7(1)(c) – No. 2010-PAC-7122

Dear Ms. Nistler:

We have received and reviewed written notice under 5 ILCS 140/9.5(b) from the City of Park Ridge Police Department (Department) of its intent to redact the birthdate of individuals identified in a police report requested by [REDACTED] by Freedom of Information Act (FOIA) request dated April 12, 2010, as exempt from disclosure under Section 7(1)(c) of FOIA. This section of FOIA provides for the exemption of personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless consented to in writing by the subject of the information. 5 ILCS 140/7(1)(c).

As a result of this review, we have determined that it is appropriate for the Department to decline to disclose the portions of the record responsive to this request which contain dates of birth under Section 7(1)(c). An individual's date of birth is information which is highly personal, the release of which may be objectionable to a reasonable person, and the subject's right to privacy with regard to this information outweighs any legitimate public interest in obtaining the information. Further, the redacted information does not bear on the public duties of public employees. Accordingly, the Department's request to assert the "unwarranted invasion of personal privacy" exemption under 5 ILCS 140/7(1)(c) is hereby approved and no further inquiry into this matter is warranted.

However, it is worth noting that your proposed denial letter to [REDACTED] also indicates that the Department has claimed exemptions pursuant to sections 7(1)(b) and 7(1)(d)(iv) of FOIA as to other information contained in the report responsive to this FOIA request.

5 ILCS 140/7(1)(b); 5 ILCS 140/7(1)(d)(iv). As you may be aware, FOIA only requires that the Public Access Counselor be notified when a public body intends to deny a request as exempt under **Section 7(1)(c)** (unwarranted invasion of personal privacy) or **Section 7(1)(f)** (pre-decisional or deliberative process materials). 5 ILCS 140/9.5(b). This letter approving of the Department's use of the 7(1)(c) exemption in this matter takes no position on the Department's application of the 7(1)(b) and 7(1)(d)(iv) exemption claimed in this matter.

You have indicated that the Department has already provided a redacted copy of the report responsive to [REDACTED] request. This correspondence shall serve to close this file. If you have any questions, please feel free to contact me at (217) 782-9078.

Sincerely,

Cara Smith
Public Access Counselor

By: [REDACTED]

Matthew M. Sebek
Assistant Attorney General, Public Access Division

cc: [REDACTED]