



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 7, 2010

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

RE: Pre-Authorization Request – 2010 PAC 7171

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 Section 7(1)(c) of the Freedom of Information Act, (FOIA), 5 ILCS 140/1 *et seq.*, as amended. The Village is seeking to redact dates of birth, phone numbers, driver's license numbers, license plate numbers and vehicle identification numbers from the requested documents.

██████████ submitted a FOIA request on April 28, 2010 for Incident Reports regarding 16809 S. Creekside Avenue, Tinley Park. In its written notice, the Village asserted that dates of birth, phone numbers, driver's license numbers, and license plate numbers 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

First, 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.

Second, we have determined that the phone numbers, driver's license numbers, and license plate numbers the Village intends to redact falls within the Section 7(1)(b) exemption for private information. "'Private information' means unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." 5 ILCS 140/7(1)(b)

Use of this exemption to partially deny disclosure of public records does not require preapproval from our office.

Accordingly, the Village's issuance of a partial denial letter and its release of the record with the dates 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
by *ek*
Jessica O'Leary
Assistant Attorney General

cc:

