



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 15, 2011

Linda Vasquez
Freedom of Information Officer
Village of Hampshire
234 South State Street
Hampshire, IL 60140-0457

RE: Pre-Authorization Request — 2011 PAC 12743

Dear Ms. Vasquez:

We have received and reviewed the written notice from the Village of Hampshire of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

David B. Franks submitted a FOIA request dated February 21, 2011, seeking various police reports. In its written notice, the Village asserted that dates of birth and arrestee names are exempt from disclosure under Section 7(1)(c) of FOIA.

Determination

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.*

The Village’s use of the exemption in Section 7(1)(c) with regard to the names of arrestees is denied. We have determined that the disclosure of these names would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). This information may not be withheld as it contains arrest report information that, pursuant to Section 2.15(a), must be public. 5 ILCS 140/2.15(a). Please note that FOIA specifically requires arrest information to be provided with sufficient information to identify the arrestee – including name, age, address, and photographs when available. *Id.* This information cannot be withheld under

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the Section 7 exemptions. Therefore, the Department has not met its initial burden demonstrating that the redacted information is exempt under Section 7(1)(c).

The Village's use of the exemption in Section 7(1)(c) 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 under Section 7(1)(c). 5 ILCS 140/7(1)(c). 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. Therefore, the Village has met its initial burden demonstrating that the redacted information is exempt under Section 7(1)(c).

As such, the Village may issue a partial denial letter directly to the requester and release the records with the appropriate information redacted.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Rebecca Riddick by: AA

Rebecca Riddick
Assistant Public Access Counselor

cc: David B. Franks
Franks & Rechenberg, P.C.
1301 Pyott Road, Suite 200
Lake in the Hills, IL 60156