



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 15, 2011

Wendellyn Briggs
Freedom of Information Act Officer
Town of Normal
100 East Phoenix Ave
PO Box 589
Normal, IL 61761

RE: Pre-Authorization Request—2011-PAC-12776

Dear Ms. Briggs:

We have received and reviewed the written notice from the Town of Normal ("Town") 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.

On March 3, 2011 Cindy Miller, on behalf of Pekin Insurance, submitted a FOIA request (claim no. 13W96-166) seeking a copy of Police Report No. 2011-265. In its March 7, 2011 written notice to the Office of the Public Access Counselor, the Town asserted that dates of birth are exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) which 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." 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."

Determination

The Town's use of the exemption in Section 7(1)(c) with regard to a date of birth is approved. 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. As such, the Town may issue a partial denial letter directly to the requestor and release the records with the appropriate information redacted if it has not already done so.

If you have any questions, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

A handwritten signature in black ink that reads "Matthew Rogina". To the right of the signature is a circular stamp containing the letters "IAA".

Matthew C. Rogina
Assistant Public Access Counselor

cc: Cindy Miller
Claims Department
Pekin Insurance
2505 Court Street
Pekin, IL 61558

12776 preauth at 71c dob pd