



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 24, 2010

Ann Kavanaugh
Records Supervisor/ FOIA Officer
Schaumburg Police Department
1000 W. Schaumburg Road
Schaumburg, Illinois 60194-4198

RE: Pre-Authorization Request – 2010 PAC 7467

Dear Ms. Kavanaugh:

We have received and reviewed the written notice from the Schaumburg Police Department (Department) 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 140/7(1)(c).

On May 14, 2010, [REDACTED] sent a written request to the Department seeking “any police reports from address [REDACTED] Schaumburg, IL involving [REDACTED] [REDACTED] (from 1996 to present).” In its written notice, the Department asserts that the dates of birth and names of certain individuals listed in the requested reports are exempt from disclosure under Section 7(1)(c) of FOIA.

Determinations

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.” The exemption defines “unwarranted 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 Department’s use of the Section 7(1)(c) exemption with regard to dates of birth is **approved**. A date of birth is highly personal information, and an individual’s right to privacy with respect to his date of birth generally outweighs any legitimate public interest in obtaining it. Thus, disclosure of the dates of birth would constitute a clearly unwarranted invasion of personal privacy to the individuals. Accordingly, the Department has met its burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

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Next, the Department's use of the exemption in Section 7(1)(c) with regard to individuals named in the police reports is **approved**. None of the said individuals named in the police reports were arrested or charged with regard to the respective incidents. Thus, we have determined that the disclosure of this information would be highly objectionable to a reasonable person. The subjects' right to privacy outweighs any legitimate public interest in obtaining this information. Therefore, the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c).

Please note that this letter does not express an opinion or provide advice as to the applicability of any exemptions to these records other than Section 7(1)(c).

If you have any questions or concerns, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Tola Adewola
Assistant Public Access Counselor

cc:

