



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 23, 2010

Ms. Susan Matthews
Freedom of Information Officer
Village of Villa Park
20 S. Ardmore Ave.
Villa Park, IL 60181-8500

RE: Pre-Authorization Request — 2010 PAC 7961

Dear Ms. Matthews:

We have received and reviewed the written notice from the Village of Villa Park (Village) of its intention to deny disclosure of 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.

██████████ submitted a FOIA request dated June 11, 2010, seeking police report number 100526009191. In its written notice, the Village asserted that dates of birth and portions of the narrative summary of the incident 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 dates of birth of the complainant and ██████████ 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).

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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. However, the Village's use of the exemption in Section 7(1)(c) with regard to the date of birth of [REDACTED] is denied. Because [REDACTED] is the requester in this case, there is no basis to redact her date of birth.

The Village's use of the exemption in Section 7(1)(c) with regard to select sections of the narrative summary of the incident is denied. We have determined that the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). Considering that the requester in this case is also one of the subjects of the report, we have determined that the Village has not met its burden to demonstrate a basis for redacting this information.

As such, the Village may issue a partial denial letter directly to [REDACTED] and release the records to her in accordance with this letter.

If you have any questions, please feel free to contact me at (312) 814-5206. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

[REDACTED]
Amalia Kioja
Chief Deputy Public Access Counselor

cc:

[REDACTED]