



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 23, 2010

Mary Pickett
FOIA Officer
Mount Prospect Police Department
112 E. Northwest Highway
Mount Prospect, Illinois 60056

RE: Pre-Authorization Request – 2010 PAC 8009

Dear Ms. Pickett:

We have received and reviewed the written notice from the Mount Prospect Police Department ("Department") of its intention to deny disclosure of dates of birth in a specific incident report pursuant to Section 7(1)(c) of the Freedom of Information Act ("FOIA"). 5 ILCS 140/7(1)(c).

On May 18, 2010, [REDACTED] submitted a FOIA request to the Department for "any and all information regarding police going to [REDACTED] between Nov. 1, 2009 and present date." In its written notice, the Department asserted that dates of birth listed in the report 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." 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 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.

The Department may issue a partial denial letter directly to [REDACTED] and may release the records to her with the appropriate information redacted.

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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:

