



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

July 6, 2010

Scott E. Nemanich  
FOIA Officer for Wilmington Community  
Unit School District No. 209-U  
Hinshaw & Culbertson LLP  
Attorneys At Law  
14 West Cass Street  
3<sup>rd</sup> Floor  
Joliet, Illinois 60432-4116

RE: Pre-Authorization Request — 2010 PAC 8181

Dear Mr. Nemanich:

We have received and reviewed the written notice from the Wilmington Community Unit School District No. 209-U (District) 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 9, 2010, seeking a copy of Eric Kempes' employment record. In its written notice, the District asserted that a date of birth is 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

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person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." *Id.*

The District's use of the exemption in Section 7(1)(c) with regard to a date 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. As such, the District may issue a partial denial letter directly to [REDACTED] and release the record to her with the appropriate information redacted.

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:

*Amalia Rioja*  
Amalia Rioja *by EK*  
Chief Deputy Public Access Counselor

cc:

