



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 27, 2010

Karen Lucas
Freedom of Information Officer
Metra
547 W. Jackson Blvd.
Chicago, IL 60661

RE: Pre-Authorization Request — 2010 PAC 8558

Dear Ms. Lucas:

We have received and reviewed the written notice from Metra 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.

Jeanette Jackson of Cochran, Cherry, Givens, Smith and Montgomery, LLC submitted a FOIA request dated July 2, 2010, seeking any accident reports regarding the train accident that occurred on May 3, 2010 in which a train and car collided. In its written notice, Metra asserted that dates of birth 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.*

Metra's use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted

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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, Metra may issue a partial denial letter directly to Ms. Jackson and release the records to her with the appropriate information redacted.

This letter gives no advice or opinion with regard to exemption 7(1)(b).

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. 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: Ms. Jeanette Jackson
Cochran, Cherry, Givens, Smith and Montgomery, LLC
1 N. LaSalle St., Suite 2450
Chicago, IL 60602