



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 5, 2010

Michael Matulis
Freedom of Information Officer
Office of the Illinois Attorney General
500 S. Second St.
Springfield, IL 62706

RE: Pre-Authorization Request — 2010 PAC 8753

Dear Mr. Matulis:

We have received and reviewed the written notice from the Office of the Illinois Attorney General (OAG) 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 July 20, 2010, seeking copies of 2006-2010 Medicare surveys, complaint call results, fraud related billing, patient care findings and the plan of correction submitted by Care Solutions. In its written notice, the OAG 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.*

The OAG'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 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 OAG may issue a partial

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denial letter directly to [REDACTED] and release the records to her with the appropriate information redacted.

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:

Andres Acosta by: AA

Amalia Rioja
Chief Deputy Public Access Counselor

cc:

