



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 10, 2010

Wendellyn J. Briggs
City Clerk/Freedom of Information Officer
100 E. Phoenix Avenue
P.O. Box 589
Normal, Illinois 61761-0589

RE: Pre-Authorization Request – 2010 PAC 8821

Dear Ms. Briggs:

We have received and reviewed the written notice from the Town of Normal (Town) 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.

American Family Insurance Group submitted a FOIA request dated July 26, 2010, seeking Accident Report #A10-711 dated July 21, 2010, concerning an accident that occurred at College and Garden. In its written notice, the Town 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 Town’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 Town may issue a partial

August 10, 2010
Page 2

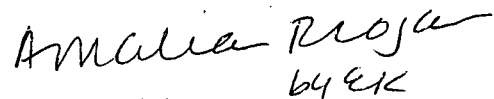
denial letter directly to American Family Insurance Group and release the records to them with the appropriate information redacted.

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:


by EK
Amalia Rioja
Chief Deputy Public Access Counselor

cc: American Family Insurance Group
6000 American Parkway
Madison, Wisconsin 53783- 0001