



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 23, 2010

Mark Schuster
Village of Hampshire
Bazos, Freeman, Kramer, Schuster, Vanek & Kolb
1250 Larkin Avenue #100
Elgin, IL 60123

RE: Pre-Authorization Request — 2010 PAC 8918

Dear Mr. Schuster:

We have received and reviewed the written notice from the Village of Hampshire (Village) of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

On August 2, 2010, [REDACTED] submitted a FOIA request seeking a copy of report [REDACTED] regarding an incident involving [REDACTED]. In its written notice, the Village asserted that dates of birth and a portion of the narrative section in the requested report are exempt from disclosure under Section 7(1)(c) of FOIA.

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." 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 Village'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.

Second, the Village's use of the Section 7(1)(c) exemption with regard to a section of the narrative portion of the police report is approved. We have determined that disclosure of this information would constitute a clearly unwarranted invasion of personal privacy because it pertains to statements about third parties who were not involved in the incident. This type of information is highly personal and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. Accordingly, the Village has met its burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

As such, the Village may issue a partial denial letter directly to the requester in accordance with this letter.

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 Kioja
Chief Deputy Public Access Counselor

cc:

