OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 16, 2010

Ms. Nicole Wickham
FOIA Officer
City of Aurora Police Department
1200 E. Indian Trail Road
Aurora, Illinois 60505

RE: Pre-Authorization Request – 2010 PAC 9012

Dear Ms. Wickham:

We have received and reviewed the written notice from the City of Aurora (City) of its intention to deny 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. The City is seeking to redact the dates of birth from the requested document.

[redacted] submitted a FOIA request to the City on July 15, 2010 for "all crash reports from July 1, 2010 through July 14, 2010, except those pending investigations." Specifically, the City is asserting that the dates of birth of names furnished in the reports are exempt from disclosure under (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." 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.*

Determination

The City's use of the exemption in Section 7(1)(c) with regard to the dates of birth is approved. This Office has concluded that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy. 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.

Accordingly, the City may issue a partial denial letter and release the record with the dates of birth redacted, if it has not already done so.

If you have any questions or concerns, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: [redacted]

Matthew C. Rogina
Assistant Public Access Counselor

cc: [redacted]