



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 25, 2010

Cres Hernandez
FOIA Officer
Park Employees' Annuity & Benefit Fund
55 East Monroe Street, Suite 2720
Chicago, Illinois 60603

RE: Pre-Authorization Request — 2010 PAC 9156

Dear Mr. Hernandez:

We have received and reviewed the written notice from the Park Employees' Annuity & Benefit Fund (Fund) 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.

Jason Grotto of the Chicago Tribune submitted a FOIA request dated July 27, 2010, seeking data regarding active participants and beneficiaries of the fund, including dates of birth. In its written notice, the Fund 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.*

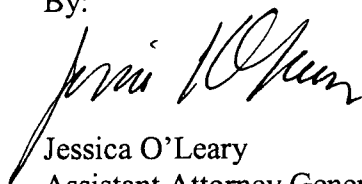
The Fund's proposed use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. Accordingly, the Fund may issue a partial denial letter and release the records with the dates of birth redacted.

If you have any questions, please feel free to contact me at (312) 814-1003. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

A handwritten signature in black ink, appearing to read "Jessica O'Leary". The signature is written in a cursive style with a long, sweeping underline.

Jessica O'Leary
Assistant Attorney General

cc: Jason Grotto
Chicago Tribune
435 N. Michigan Avenue
Chicago, Illinois 60611