



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 31, 2010

Laura Godette
Deputy Clerk
Village of Tinley Park
16250 S. Oak Park Ave.
Tinley Park, Illinois 60477

RE: Pre-Authorization Request — 2010 PAC 9266

Dear Ms. Godette:

We have received and reviewed the written notice from the Village of Tinley Park (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.

Michael S. Rosecrants submitted a FOIA request received by the Village on August 25, 2010, seeking a copy of Incident Report #10-019894. In its written notice, the Village asserted that dates of birth and drivers' license numbers 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." 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.*

First, the Village's use of the Section 7(1)(c) exemption with regard to dates of birth is approved.

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We have determined 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. As such, the Village may issue a partial denial letter directly to Mr. Rosecrants and release the records to him with the appropriate information redacted.

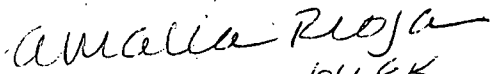
Second, we have determined that the drivers' license numbers the Village intends to redact fall within the Section 7(1)(b) exemption for private information. "Private information" means unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." 5 ILCS 140/7(1)(b) Use of this exemption to partially deny disclosure of public records does not require preapproval from our office.

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:


Amalia Rioja *by EK*
Chief Deputy Public Access Counselor

cc: 