



**OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS**

Lisa Madigan  
ATTORNEY GENERAL

August 31, 2010

Michael S. Recupito  
Director of Police Administration  
Round Lake Police Department  
741 West Town Line Road  
Round Lake, Illinois 60073

RE: Pre-Authorization Request – 2010 PAC 9333

Dear Mr. Recupito:

We have received and reviewed the written notice from the Round Lake Police Department (Department) 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 140/7(1)(c).

On August 24, 2010, [REDACTED] submitted to the Department seeking a copy of the incident report concerning a 911 call that she made on Thursday, August 19, 2010. In its written notice, the Department asserts that the dates of birth and the suspects' names and photographs contained within the requested report are exempt from disclosure under Section 7(1)(c) of FOIA.

**Determinations**

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." 5 ILCS 140/7(1)(c). The exemption defines "unwarranted 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 Department's use of the Section 7(1)(c) exemption with regard to dates of birth is **approved**. A date of birth is highly personal information, and an individual's right to privacy with respect to his date of birth generally outweighs any legitimate public interest in obtaining it. Thus, disclosure of the dates of birth would constitute a clearly unwarranted invasion of personal privacy to the individuals. Accordingly, the Department has met its burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

Next, the Department's use of the exemption in Section 7(1)(c) with regard to names and photograph of the suspects listed in the police report is **approved**. None of the said individuals

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named in the requested incident report were arrested or charged with regard to this incident. As such, we have determined that the disclosure of this information would be highly objectionable to a reasonable person, and these individuals' right to privacy outweighs any legitimate public interest in obtaining this information. Therefore, the disclosure of names and photographs of the said individuals would constitute a clearly unwarranted invasion of personal privacy.

Accordingly, the Department may issue a partial denial letter to [REDACTED] and may release the records to her with the appropriate information redacted.

If you have any questions or concerns, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:

[REDACTED]  
Toia Adewola  
Assistant Public Access Counselor

cc: