



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 13, 2010

Ms. Colleen O'Brien
Freedom of Information Officer
City of Harvard
201 W. Front Street
Harvard, IL 60033

RE: Pre-Authorization Request - 2010 PAC 9382

Dear Ms. O'Brien,

We have reviewed the City's notice of intention to withhold information in police Report No. 3007004845 pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended. [REDACTED] requested a copy of the arrest report for [REDACTED], and the City asserted that a date of birth is exempt under Section 7(1)(c).

Information in public records is exempt personal information if disclosure would "constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). An "[u]nwarranted invasion of personal privacy" is 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 City's request to exempt a date of birth from the report is *approved*. Birth dates are a highly personal form of information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). A subject's right to privacy outweighs any legitimate public interest in the disclosure of his or her date of birth. However, the arrestee's age must be disclosed. 5 ILCS 140/2.15(a).

Accordingly, the City should directly issue a partial denial letter to [REDACTED] and release the report with the birth date redacted. This letter shall serve to close this file. If you have any questions, please feel free to contact me at (312) 814-6756 or ssilverman@atg.state.il.us.

Sincerely,

Cara Smith
Public Access Counselor

By:

[REDACTED]
Steve Silverman
Assistant Public Access Counselor

cc:

[REDACTED]