



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

September 14, 2010

Mr. William Miller  
Chief of Police  
Village of Flossmoor  
Flossmoor, Illinois 60422

RE: Request for Pre-Approval, 7(1)(c) – No. 2010-PAC-9456

Dear Mr. Miller:

We have received and reviewed the written notice under Section 9.5(b) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(b)) you submitted on behalf of the Village of Flossmoor (Village) of its intention to redact the birth dates of individuals identified in records requested by Mr. John Ryan in his FOIA request dated August 20, 2010, as exempt from disclosure under Section 7(1)(c) of FOIA. This section of FOIA provides for the exemption of personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless consented to in writing by the subject of the information. 5 ILCS 140/7(1)(c).

As a result of this review, we have determined that it is appropriate for the Village to decline to disclose the portions of the record responsive to this request which contain dates of birth under Section 7(1)(c). An individual's date of birth is information which is highly personal, the release of which may be objectionable to a reasonable person, and the subject's right to privacy with regard to this information outweighs any legitimate public interest in obtaining the information. Further, the redacted information does not bear on the public duties of public employees. Accordingly, the Village's request to assert the "unwarranted invasion of personal privacy" exemption under 5 ILCS 140/7(1)(c) is hereby approved and no further inquiry into this matter is warranted.

Please note that where information is specifically exempt under sections of FOIA other than Section 7(1)(c) and Section 7(1)(f), public bodies may issue denials relying upon such exemptions directly to the requester, without the need to submit the matter to the Public Access Counselor for pre-authorization. Our office takes no position with regard


to whether any other FOIA exemption or other statutory bases the Village has asserted in connection with its pre-authorization request would apply to exempt all or a portion of the responsive records from disclosure.

This correspondence shall serve to close this file.

Sincerely,

Cara Smith  
Public Access Counselor

By:

  
Matthew M. Sebek  
Assistant Attorney General, Public Access Division

cc:

