



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 13, 2010

Beverly Glass
Freedom of Information Officer
Frankfort Police Department
20602 Lincolnway Lane
Frankfort, IL 60423

RE: Pre-Authorization Request - 2010 PAC 9482

Dear Ms. Glass,

We have reviewed the City's notice of intent to withhold information in police Report No. 3007004581 pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended. The City asserts that a birth date is exempt from the report requested by [REDACTED].

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 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. Therefore, the City should directly issue a partial denial letter to [REDACTED] and release the report with the birth date redacted.

The Village also intends to redact additional information pursuant to the "private information" exemption. 5 ILCS 150/7(1)(b). Our office has not analyzed the use of that exemption because the Village does not require pre-authorization to assert it.

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,

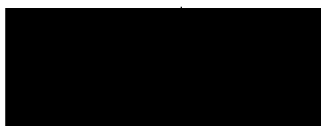
Cara Smith
Public Access Counselor

By:

A large black rectangular redaction box covering the signature of Steve Silverman.

Steve Silverman
Assistant Public Access Counselor

cc:

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