



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 17, 2011

Kate Rassmussen
Freedom of Information Officer
Kendall County Sheriff's Office
1102 Cornell Lane
Yorkville, Illinois 60560-9597

RE: Pre-Authorization Request — 2011 PAC 12874

Dear Ms. Rassmussen:

We have received and reviewed the written notice from the Kendall County Sheriff's Office 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.

John Shirritt submitted a FOIA request dated March 8, 2011, in which he sought a copy of Report Number 2010-5015. In its written notice, the Office asserted that dates of birth are exempt from disclosure under Section 7(1)(c) (5 ILCS 140/7(1)(c)).

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 the disclosure is consented to in writing by the individual subjects of the information." *Id.* 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.*

The Office's use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). This type of information is highly personal by

March 17, 2011

Page 2

its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. As such, the Office may issue a partial denial letter directly to the requester and release the report with the appropriate information redacted.

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,

Sarah Kaplan by EK

Sarah Kaplan
Assistant Public Access Counselor

cc: John Shirritt
Federal Aviation Administration
2300 East Devon Avenue
Des Plaines, Illinois 60018

12874 pre-auth al 71c dob pd