



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS
March 18, 2011

Lisa Madigan
ATTORNEY GENERAL

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

RE: Pre-Authorization Request – 2011 PAC 12885

Dear Mr. Recupito:

We have received and reviewed the written notice from the Round Lake Police Department 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.

LexisNexis submitted a FOIA request dated February 28, 2011, seeking a copy of the specific auto accident report described in their request. In its written notice, the Department asserted that dates of birth and line-up names are exempt from disclosure under Section 7(1)(c) (5 ILCS 140/7(1)(c)).

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, 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 Department's use of the exemption in Section 7(1)(c) with regard to dates of birth and line-up names is approved. We have determined that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). This information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. As such, the Department may issue a partial denial letter directly to the requester and release the report with the appropriate information redacted.

March 18, 2011

Page 2

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: LexisNexis
P.O. Box 7000
Southeastern, Pennsylvania 19398

12885 pre auth at 71c dob priv pd