



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

March 23, 2011

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

RE: Pre-Authorization Request — 2011 PAC 12959

Dear Ms. Rasmussen:

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.

Michael Kelly submitted a FOIA request dated February 18, 2011, seeking a copy of Report Number 2011-227. In its written notice, the Office asserted that dates of birth are exempt from disclosure under Section 7(1)(c) of FOIA.

**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

March 23, 2011

Page 2

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 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 records 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

Assistant Public Access Counselor

cc: Michael Kelly  
North Central College  
30 North Brainard Street  
Naperville, Illinois 60540

*12959 pre-auth at 71c dob pd*