



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 21, 2011

Ann Kavanaugh
Freedom of Information Act Officer
Village of Schaumburg
adavanaugh@ci.schaumburg.il.us

RE: Pre-Authorization Request - 2011 PAC 12968

Dear Ms. Kavanaugh:

We have received and reviewed the written notice from the Village of Schaumburg ("Village") of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/7(1)(c), as amended.

On March 16, 2011, [REDACTED] submitted a FOIA request seeking a copy of Arrest Report No 98-2399. In its March 16, 2011 written notice to the Office of the Public Access Counselor, the Village asserted that dates of birth are exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)), which 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 disclosure is consented to in writing by the individual subjects of the information." 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."

Determination

The Village's use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. 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 Village may issue a partial denial letter directly to the requestor and release the records with the appropriate information redacted if it has not already done so.

If you have any questions, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,



Matthew C. Rogina
Assistant Public Access Counselor

cc:



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