



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 18, 2011

Janet Binder
Freedom of Information Officer
Village of Villa Park
20 S. Ardmore Ave.
Villa Park, Illinois 60181-2610

RE: Pre-Authorization Request — 2011 PAC 8908

Dear Ms. Binder:

We have received and reviewed the written notice from the Village of Villa Park 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.

██████████ submitted a FOIA request dated July 26, 2010, seeking police report number 100723013301. In its written notice, the Village asserted that dates of birth and information subject to the Juvenile Court Act (705 ILCS 405) are exempt from disclosure under Section 7(1)(c) of FOIA.

Information that the Village seeks to withhold under the Juvenile Court Act falls within the Section 7(1)(a) exemption. Section 7(1)(a) states that the following shall be exempt from inspection and copying: "Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law." 5 ILCS 140/7(1)(a).

Use of this exemption to fully or partially deny disclosure of public records does not require preapproval from our Office and this Office makes no advice or opinion with regard to the use of this exemption.

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 disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). The exemption defines "[u]nwarranted invasion of personal privacy" as "the disclosure of information that is highly personal or objectionable to a reasonable

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person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." *Id.*

The Village's use of the exemption in Section 7(1)(c) with regard to the requester's date of birth is denied. However, the Village's use of the exemption in Section 7(1)(c) with regard to the dates of birth of other subjects 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). 5 ILCS 140/7(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. Therefore, the Village has met its initial burden demonstrating that the redacted information is exempt under Section 7(1)(c).

As such, the Village 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,

Rebecca Riddick by: AA

Rebecca Riddick
Assistant Public Access Counselor

cc:

