



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 10, 2010

Ms. Nicole Wickham
FOIA Officer
Aurora Police Department
1200 East Indian Trail Road
Aurora, Illinois 60506-1896

RE: Pre-Authorization Request – 2010 PAC 8110
FOIA Requester: [REDACTED]

Dear Ms. Wickham:

We have received and reviewed the written notice from the Aurora Police Department (Department) of its intent to deny disclosure of dates of birth and insurance policy numbers as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c).

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

Determination

The Department’s use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. We have determined that disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c) of FOIA. This information is highly personal by its very nature, and the subjects’ right to privacy with respect to this information outweighs any legitimate public interest in obtaining it.


However, the Department’s use of the Section 7(1)(c) exemption to deny disclosure of insurance policy numbers is denied. The Department has failed to include a detailed summary of its basis for asserting the Section 7(1)(c) exemption with regard to this information. See 5 ILCS 140/9.5(b). Moreover, the Department has failed to establish by clear and convincing evidence

that disclosure of this information would constitute a clearly unwarranted invasion of personal privacy to the subjects of the information. *See* 5 ILCS 140/1.2, 7(1)(c).

Should you have questions or concerns, please feel free to contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:  Sara Gadola Gallagher
Deputy Public Access Counselor

