



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 30, 2010

Lisa Pickering
FOIA Officer
United City of Yorkville
800 Game Farm Road
Yorkville, Illinois 60560

Re: Pre-Authorization 2010 PAC 8135

Dear Ms. Pickering:

We have received and reviewed the written notice from the United City of Yorkville (City) of its intention to deny certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended (FOIA).

██████████ submitted a FOIA request to the City on June 22, 2010 seeking "...the plumber and plumber license holder for the work being done on the new Moose hall @ 1502 N. Bridge St. Permit #2010-0105." In its written notice, the City asserts that disclosure of the date of birth, height, and weight listed on the copy of the plumber's license is an unwarranted invasion of personal privacy and is exempt from disclosure under the exemption found in Section 7(1)(c) of FOIA.

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 City's use of the Section 7(1)(c) exemption with regard to the date of birth is approved. We have determined that the disclosure of a date of birth would constitute a clearly unwarranted invasion of personal privacy. 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.

The City's use of the Section 7(1)(c) exemption with regard to height and weight is denied. An individual's physical characteristics are not highly personal and therefore disclosure of this information would not constitute an unwarranted invasion of personal privacy.

Accordingly, the City may issue a partial denial letter to Mr. Hinterlong and release the records with the date of birth redacted.

If you have any questions, please feel free to contact me at (312) 814-1003. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

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Jessica O'Leary
Assistant Attorney General