OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 8, 2010

Michael S. Recupito
Freedom of Information Officer
Round Lake Police Department
741 West Town Line Road
Round Lake, Illinois 60073

RE: Pre-Authorization Request — 2010 PAC 8257

Dear Mr. Recupito:

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

Charles Spinuzza submitted a FOIA request dated June 28, 2010, seeking police report number 2010-1095. In its written notice, the Department 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 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.*

The Department's use of the exemption in Section 7(1)(c) with regard to dates of birth 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. As such, the Department may issue a partial denial letter directly to Mr. Spinuzza and release the records to him with the appropriate information redacted.

If you have any questions, please feel free to contact me at (312) 814-5206. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Amalia Rioja by CK
Amalia Rioja
Chief Deputy Public Access Counselor

cc: Charles A. Spinuzza
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Chicago, IL 60661