



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 17, 2010

Nicole M. Wickham
Freedom of Information Officer
Aurora Police Department
1200 East Indian Trail Road
Aurora, IL 60506

RE: Pre-Authorization Request — 2010 PAC 9545

Dear Ms. Wickham:

We have received and reviewed the written notice from the Aurora Police Department (Department) of its intention 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.

John Juergensmeyer, of Juergensmeyer & Associates, submitted a FOIA request dated September 1, 2010, seeking various police records. 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 the requester and release the records with the appropriate

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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,

Cara Smith
Public Access Counselor

By:

Amalia Rioja by: AA

Amalia Rioja
Chief Deputy Public Access Counselor

cc: John Juergensmeyer
Juergensmeyer & Associates
1275 Davis Road, Suite 131
Elgin, IL 60123

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