



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 16, 2010

Laura Godette
Freedom of Information Officer
Village of Tinley Park
16250 S. Oak Park Ave.
Tinley Park, IL 60477

RE: Pre-Authorization Request – 2010 PAC 9598

Dear Ms. Godette,

We have reviewed the Village's notice of intention to withhold information in police Report No. 01-10-021610 pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended. [REDACTED] requested the copy of the report, which details an incident in which several people were injured after a porch collapsed. The Village asserts that the birth dates of the complainant and 10 victims are exempt under Section 7(1)(c).

Information in public records is exempt personal information if disclosure would "constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). An "[u]nwarranted invasion of personal privacy" is 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 Village's request to redact birth dates from the report is *approved*. Birth dates are a highly personal form of information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). A subject's right to privacy outweighs any legitimate public interest in the disclosure of his or her date of birth. Therefore, the Village may redact birth dates from the report.

You confirmed in our brief discussion today that the Village is asserting the exemption in Section 7(1)(b) rather than Section 7(1)(c) for names, addresses and phone numbers in the report. We have not analyzed the use of that exemption because it does not require pre-approval from our office.

If you have any questions, please feel free to contact me at (312) 814-6756 or ssilverman@atg.state.il.us.

Sincerely,

Cara Smith
Public Access Counselor

By:



Steve Silverman
Assistant Public Access Counselor

cc:



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