



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 9599

Dear Ms. Godette,

We have reviewed the City's notice of intention to withhold information in police Report No. 10-20912 pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended. [REDACTED] requested a copy of the report of a sexual assault complaint, which was determined to be unfounded, and the Village asserted that the date of birth of the complainant and a relative of the complainant 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 exempt 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.

Accordingly, the Village should directly issue a partial denial letter to [REDACTED] and release the report with the birth dates redacted. Please note that information in the report that falls under

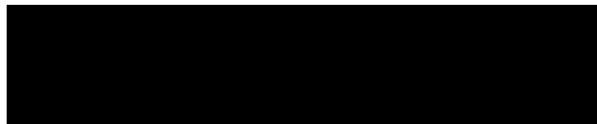
the exemption for “[p]rivate information” in Section 7(1)(b) may be redacted without pre-approval from this office.

This letter shall serve to close this file. 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:



9599 pre-auth al 7(1)(c) dob pd