OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 17, 2010

Wendellyn J. Briggs
Town of Normal
100 East Phoenix Avenue
P.O. Box 589
Normal, IL 61761-0589

Re: Pre-Authorization Request – 2010 PAC 9604
FOIA Requester: LexisNexis – State Farm Insurance (Report #10-885)

Dear Ms. Briggs:

We have received and reviewed the written notice from the Town of Normal (Town) of its intention to deny disclosure of dates of birth in a police report for being exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

Subsection 7(1)(c) 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". The exemption defines "unwarranted 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."

The Town's use of the subsection 7(1)(c) exemption with regard to dates of birth is **approved**. The information is highly personal by its very nature, and the subjects' right to privacy with respect to this information outweighs any legitimate public interest in obtaining it. Thus, the information is exempt from disclosure under subsection 7(1)(c) of FOIA, as disclosure would constitute a clearly unwarranted invasion of personal privacy to the subjects of the information.

As such, the Town should issue a partial denial letter directly to the FOIA requester in accordance with this letter. Should you have questions or concerns, 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

Amalia Rioja by: AA

By: Amalia Rioja
Chief Deputy Public Access Counselor

cc: LexisNexis
PO Box 7000
Southeastern, PA 19398

9604 pre-auth al 7(1)(c) dob pd