

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

September 20, 2010

Ms. Wendellyn Briggs  
Freedom of Information Officer  
Town of Normal  
PO Box 589  
Normal, IL 61761

RE: Pre-Authorization Request – 2010 PAC 9647

Dear Ms. Briggs:

We have received and reviewed the written notice from the Town of Normal of its intention to deny disclosure of certain information as exempt from disclosure pursuant to Section 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

Jamie Schimmelpfenning on behalf of Pekin Insurance submitted a FOIA request received on September 10, 2010, seeking incident report 10-843. In its written notice, the Town asserted that dates of birth are exempt from disclosure pursuant to Section 7(1)(c) of FOIA.

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 of privacy outweighs any legitimate public interest in obtaining the information.” *Id.*

**Determination**

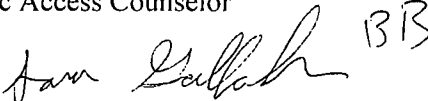
The Town’s use of the exemption in Section 7(1)(c) with regard to dates of birth is **approved**. We have determined that a person’s date of birth is highly personal information, and the subject’s right to privacy with respect to this information outweighs any legitimate public interest in its disclosure. As such, disclosure of the victim’s name would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c) of FOIA.

If you have any questions, please feel free to contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:

 <sup>BB</sup>  
Sara Gadola Gallagher  
Deputy Public Access Counselor

cc:  
Ms. Jamie Schimmelpfenning  
2505 Court Street  
Peking, IL 61558  
9547 pre-auth al 7(1)(c) dob pd