



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

March 1, 2011

Via Electronic Mail

Nicole Both
Metra FOIA Officer
nboth@metrarr.com

RE: Pre-Authorization Request - 2011 PAC 12546

Dear Ms. Both:

We have received and reviewed the written notice from Metra of its intention to deny certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.* as amended (FOIA). Metra is seeking to redact dates of birth from the requested documents.

Colin Bausman of Country Financial submitted a FOIA request on February 18, 2011 for Metra police report #10-030700 regarding [REDACTED]. In its written notice, Metra asserted that the dates of birth are exempt from disclosure under 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 to privacy outweighs any legitimate public interest in obtaining the information." *Id.*

Determination

Metra's use of the exemption in Section 7(1)(c) with regard to the dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy. 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.

Accordingly, Metra may issue a partial denial letter and release the reports with the dates of birth redacted, if it has not already done so.

If you have any questions, please feel free to contact Tammy Friedewald at (217) 558-1926. This correspondence shall serve to close this matter.

Sincerely,

A handwritten signature in cursive script that reads "Amanda Lundeen". To the right of the signature, there are initials "AL" written in a similar cursive style.

Amanda M. Lundeen
Assistant Public Access Counselor

cc: Via Electronic Mail
Colin Bausman
colin.bausman@countryfinancial.com

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