



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 24, 2011

Ms. Nicole Both
Freedom of Information Officer
Metra
546 West Jackson Boulevard
Chicago, Illinois 60661

RE: Pre-Authorization Request - 2011 PAC 12938

Dear Ms. Both:

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

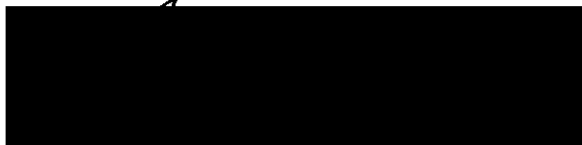
On March 7, 2011, Norman Chase, on behalf of Chase and Werner, Ltd., submitted a FOIA request seeking a copy of Police Report No. 11-003598. In its written notice, Metra asserted that dates of birth are exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) which exempts from inspection 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." 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."

Determination

Metra's use of the exemption in Section 7(1)(c) with regard to a date of birth is approved. 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. As such, Metra may issue a partial denial letter directly to Mr. Chase and release the records with the appropriate information redacted if it has not already done so.

Should you have any questions or concerns, please feel free to contact me at (312) 814-5383.
This correspondence shall serve to close this matter.

Sincerely,



Matthew C. Rogina
Assistant Public Access Counselor

cc: Mr. Norman Chase
Chase and Werner, Ltd.
300 West Adams, Suite 330
Chicago, Illinois 60606

12938 preauth al 71c dob mun