



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 28, 2011

Kristine Curran
Freedom of Information Officer
Village of Lisle
925 Burlington Avenue
Lisle, Illinois 60532

RE: Pre-Authorization Request – 2011 PAC 12967

Dear Ms. Curran:

We have received and reviewed the written notice from the Village of Lisle 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.

Amy Szczepaniak, Staff Attorney from the Illinois Guardianship & Advocacy Commission submitted a FOIA request dated March 10, 2011, seeking a copy of the police report described in her letter. In its written notice, the Village asserted that dates of birth are exempt from disclosure under Section 7(1)(c) (5 ILCS 140/7(1)(c)).

Determinations

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 the disclosure is consented to in writing by the individual subjects of the information." *Id.* 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.*

The Village's use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). This 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, the Village may issue a partial denial letter directly to the requester and release the records with the appropriate information redacted.

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If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Sarah Kaplan bsk

Sarah Kaplan
Assistant Public Access Counselor

cc: Amy Szczepaniak
Staff Attorney
Illinois Guardianship & Advocacy Commission
160 North LaSalle Street, Ste. S-500
Chicago, Illinois 60601-3115

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