



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

**Lisa Madigan**  
ATTORNEY GENERAL

March 28, 2011

Ann Kavanaugh  
Freedom of Information Act Officer  
Schaumburg Police Department  
[AKavanaugh@ci.schaumburg.il.us](mailto:AKavanaugh@ci.schaumburg.il.us)

RE: Pre-Authorization Request — 2011 PAC 13030

Dear Ms. Kavanaugh:

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

On March 11, 2011, State Farm Fire and Casualty Company submitted a FOIA request seeking a copy of Police Report No. 11-05573 (Claim No. 13B438-022). In its March 18, 2011 written notice to the Office of the Public Access Counselor, the Department asserted that dates of birth and the names of persons not arrested in connection with this investigation 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**

The Department's use of the exemption in Section 7(1)(c) with regard to dates of birth and names of persons not arrested 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, the Village may issue a partial denial letter directly to the requestor and release the records with the appropriate information redacted if it has not already done so.

If you have any questions, 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: Illinois Operations Center  
State Farm Insurance Co.  
2702 Ireland Grove Road  
Bloomington, IL 61704

*13030 preauth at 71c dob pd*