



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

September 23, 2010

Ms. Kate Rassmussen
Freedom of Information Officer
Kendall County Sheriff's Office
1102 Cornell Lane
Yorkville, IL 60560

Lisa Madigan
ATTORNEY GENERAL

RE: Pre-Authorization Request – 2010 PAC 9673
FOIA Requester: LexisNexis- [REDACTED]

Dear Ms. Rassmussen:

We have received and reviewed the written notice from the Kendall County Sheriff's Office (Office) 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 (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

LexisNexis, on behalf of [REDACTED] submitted a FOIA request dated September 9, 2010, seeking a copy of Report #2010-3941. In its written notice the Office asserted that dates of birth are exempt from disclosure pursuant to Section 7(1)(c) of FOIA.

Determination

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." 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 Office'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, the Office may issue a partial denial letter directly to the requester and release the record with the appropriate information redacted.

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,

Cara Smith
Public Access Counselor

cc: LexisNexis
P.O. Box 7000
Southeastern, PA 19398

By: *Amalia Rioja DNR*

Amalia Rioja
Chief Deputy Public Access Counselor

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