



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

September 23, 2010

**Lisa Madigan**  
ATTORNEY GENERAL

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

RE: Pre-Authorization Request – 2010 PAC 9674  
FOIA Requester: Joe Capenigro

Dear Ms. Rasmussen:

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.

Mr. Capenigro submitted a FOIA request dated September 10, 2010, seeking a copy of Report #2010-3085. In its written notice, the Office asserted that dates of birth are exempt from disclosure pursuant to 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." 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**

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 Mr. Capenigro and release the record to him 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,

cc: Joe Capenigro  
Riverpoint Insurance  
P.O. Box 487  
Lombard, IL 60148

Cara Smith  
Public Access Counselor

By: *Amalia Rioja* DNR

Amalia Rioja  
Chief Deputy Public Access Counselor

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