



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

September 23, 2010

Lisa Madigan  
ATTORNEY GENERAL

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

RE: Pre-Authorization Request – 2010 PAC 9675  
FOIA Requester: [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.

[REDACTED] submitted a FOIA request dated September 8, 2010, seeking a copy of Case #2010-3744. 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 Ms. Wolfe and release the record to her 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: [REDACTED]

Cara Smith  
Public Access Counselor

By: Amalia Rioja DNR

Amalia Rioja  
Chief Deputy Public Access Counselor

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