



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

September 28, 2010

William Miller  
FOIA Officer  
Flossmoor Police Department  
2800 Flossmoor Road  
Flossmoor, IL 60422

RE: Pre-Authorization Request – 2010 PAC 9731

Dear Mr. Miller:

We have received and reviewed the written notice from Flossmoor Police Department (Department) of its intention to deny disclosure of dates of birth in a specific police report pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c).

On August 30, 2010, [REDACTED] submitted a FOIA request to the Department, seeking the following:

Any and all paperwork involving the accusations, allegations, meetings, complaints and trial or disciplinary actions involving officer Larry Hall of Flossmoor PD, regarding his firing due to sexual misconduct or sexual relations in his squad car.

In its written notice, the Department asserts that, although the requested records are being withheld from disclosure pursuant to Sections 7(1)(d)(iv), 7(1)(m) and 7(1)(n) of FOIA, the dates of birth contained within the requested records are exempt from disclosure under 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.” The exemption defines “unwarranted 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.*

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The Department's use of Section 7(1)(c) exemption with regard to dates of birth is **approved**. A date of birth is highly personal information, and an individual's right to privacy with respect to his date of birth generally outweighs any legitimate public interest in obtaining it. Thus, disclosure of the dates of birth would constitute a clearly unwarranted invasion of personal privacy to the individuals. Accordingly, the Department has met its burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

Please note, however, that this letter does not express an opinion or provide advice as to the applicability of any other non-7(1)(c) exemptions to these specific records.

If you have any questions or concerns, please feel free to contact me at (312) 814-6437. This letter shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:



Tola Adewola  
Assistant Public Access Counselor

cc:

