



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 29, 2010

Ms. Wendellyn J. Briggs
Freedom of Information Officer
Town of Normal
100 East Phoenix Ave.
P.O. Box 589
Normal, IL 61761

RE: Pre-Authorization Request – 2010 PAC 9797
FOIA Requester: Davenport & White- [REDACTED]

Dear Ms. Briggs:

We have received and reviewed the written notice from the Town of Normal (Town) 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.

Davenport & White, on behalf of their client [REDACTED] submitted a FOIA request dated September 16, 2010, seeking a copy of Report #2010:949. In its written notice the Town 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 Town'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 Town 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

By: Tola Adewola DNR

Tola Adewola
Assistant Public Access Counselor

cc: Davenport & White
7667 West 95th St.
Suite 101
Hickory Hills, IL 60457

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