



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 4, 2011

Colleen O'Brien
Records Clerk
Freedom of Information Officer
Harvard Police Department
P.O. Box 310
Harvard, Illinois 60033

RE: Pre-Authorization Request - 2011 PAC 13194

Dear Ms. O'Brien:

We have received and reviewed the written notice from the City of Harvard Police Department (Department) of its intention to deny disclosure of dates of birth in a specific report pursuant to the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

Specifically, on March 15, 2011, [REDACTED] submitted a FOIA request to the Department, seeking a copy of police report number 3011001000. In its written notice, the Department asserts that the dates of birth, contained within requested report, are exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)).

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.*

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. As such, the Department has met its burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

April 4, 2011

Page 2

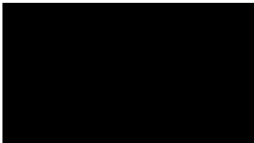
If you have any questions or concerns, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,



Tolà Sobitan
Assistant Public Access Counselor

cc:



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