



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 7, 2011

Nicole Both
Freedom of Information Officer
Metra
547 West Jackson Blvd.
Chicago, Illinois 60661

RE: Pre-Authorization Request – 2011 PAC 13313

Dear Ms. Both:

We have received and reviewed the written notice from Metra of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

Steven Trakhtman submitted a FOIA request dated March 30, 2011, seeking a copy of Metra Report #10-029733. In its written notice, Metra asserted that dates of birth are exempt from disclosure under Section 7(1)(c) (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, unless the disclosure is consented to in writing by the individual subjects of the information.” *Id.* 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.*

Metra’s use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). This information is highly personal by its very nature and the subject’s right to privacy outweighs any legitimate public interest in disclosing this information.

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As such, Metra may issue a partial denial letter directly to the requester and release the report 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,

A handwritten signature in cursive script that reads "Sarah Kaplan" followed by a small mark that appears to be "by EK".

Sarah Kaplan
Assistant Public Access Counselor

cc: Steven Trakhtman
Todd A. Heller & Associates
707 Lake Cook Road, Suite #316
Deerfield, Illinois 60015

13313 pre-auth at 71c dob pd