OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 23, 2010

Wendellyn J. Briggs
Town of Normal
100 East Phoenix Avenue
PO Box 589
Normal, IL 61761-0589

RE: Pre-Authorization Request – 2010 PAC 8498

Dear Ms. Briggs:

We have received and reviewed the written notice from the Town of Normal (Town) of its intention to deny certain information as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended (FOIA). The Town is seeking to redact dates of birth from the requested documents.

Lexis Nexis submitted a FOIA request on July 7, 2010 for Accident Report #U100033719. In its written notice, the Town asserted that the dates of birth are exempt from disclosure under 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." 5 ILCS 140/7(1)(c). 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 Town's use of the exemption in Section 7(1)(c) with regard to the dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy. This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

Accordingly, the Town may issue a partial denial letter and release the reports with the dates of birth redacted, if it has not already done so.

If you have any questions, please feel free to contact me at (217) 785-7438. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: Amanda Lundeen
IKP

Amanda M. Lundeen
Assistant Public Access Counselor

cc: Lexis Nexis
PO Box 7000
Southeastern, PA 19398