OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 1, 2010

Ms. Wendellyn Briggs
Freedom of Information Officer
Town of Normal
PO Box 589
Normal, IL 61761

RE: Pre-Authorization Request – 2010 PAC 9795

Dear Ms. Briggs:

We have received and reviewed the written notice from the Town of Normal 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, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

S.B. Baker and Associates, Inc. submitted a FOIA request received on September 16, 2010, seeking incident report 10-949. In its written notice, the Town asserted that dates of birth are exempt from disclosure pursuant to 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 of 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 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, disclosure of the victim's name would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c) of FOIA.

If you have any questions, please feel free to contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: Sara Gallagher BB

Sara Gadola Gallagher
Deputy Public Access Counselor

cc:
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