



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

April 11, 2011

Wendellyn Briggs  
Freedom of Information Act Officer  
Town of Normal  
100 East Phoenix Ave  
PO Box 589  
Normal, IL 61761

RE: Pre-Authorization Request - 2011 PAC 13407

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 pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

On March 28, 2011, Jason Stellmach submitted a FOIA request on behalf of Wiedner & McAuliff, Ltd. seeking a copy of Accident Report No. A11-7. In its April 6, 2011 written notice to the Office of the Public Access Counselor, the Town asserted that dates of birth are exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) which 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."

**Determination**

The Town's use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. 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. As such, the Town may issue a partial denial letter directly to the requestor and release the records with the appropriate information redacted if it has not already done so.

If you have any questions, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,



Matthew C. Rogina  
Assistant Public Access Counselor

cc: Jason Stellmach  
Wiedner & McAuliffe, Ltd.  
One North Franklin 19<sup>th</sup> Floor  
Chicago, IL 60606

*13407 preauth at 71c dob pd*