



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 14, 2011

Nicole Wickham
FOIA Officer
Aurora Police Department
Records Division
1200 E. Indian Trail
Aurora, Illinois 60505

RE: Pre-Authorization Request – 2011 PAC 13463

Dear Ms. Wickham:

We have received and reviewed the written notice from Aurora Police Department of its intention to deny disclosure of certain information pursuant to the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

Specifically, on April 5, 2011, [REDACTED] submitted a FOIA request to the Department, seeking a copy of police report #2011-004113. In its written notice, the Department asserts that the dates of birth and names of individuals, contained in the 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.*

First, 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.

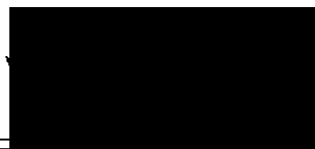
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Next, the Department's use of the Section 7(1)(c) exemption with regards to the names of the individuals listed in the report is **approved**. We have determined that the disclosure of the identities of these individuals who were not arrested or charged with respect to the incident would constitute a clearly unwarranted invasion of personal privacy. Accordingly, the Department has met its initial burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

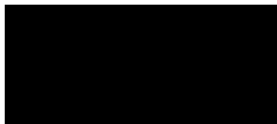
If you have any questions or concerns, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

A black rectangular redaction box covering the signature of Tola Sobitan.

Tola Sobitan
Assistant Public Access Counselor

cc:

A black rectangular redaction box covering the list of recipients for the copy of the letter.

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