



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 13, 2010

Kate Rassmussen
Kendall County Sheriff's Office
1102 Cornell Lane
Yorkville, IL 60560-9597

RE: Pre-Authorization Request – 2010 PAC 10034

Dear Ms. Rassmussen:

We have received and reviewed the written notice from the Kendall County Sheriff's Office (Sheriff) 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 Sheriff is seeking to redact dates of birth from the requested documents.

██████████ from The Law Offices of John G. Kelly submitted a FOIA request on October 1, 2010 for accident report # ██████████. In its written notice, the Sheriff 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 Sheriff'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 Sheriff 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*
AL

Amanda M. Lundeen
Assistant Public Access Counselor

cc:


Law Offices of John G. Kelly
100 W. Monroe, 19th Floor
Chicago, IL 60603

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