



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 12, 2010

Ms. Colleen O'Brien
Harvard Police Department
201 W. Front Street
Harvard, IL 60033

RE: Pre-Authorization Request — 2010 PAC 7517

Dear Ms. O'Brien:

We have received and reviewed the written notice from the Harvard Police Department (Department) of its intention to deny disclosure of certain information, responsive to a FOIA request made by [REDACTED] as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act, (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

[REDACTED] FOIA request sought a copy of police report No [REDACTED]. In its response to our further inquiry letter, the Department clarified that, contrary to its original assertion, it intends to redact only dates of birth from the responsive report pursuant to Section 7(1)(c) exemption.

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, 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.*

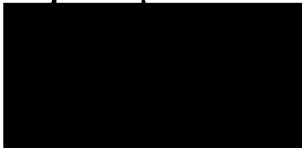
The Department's use of the exemption in Section 7(1)(c) with regard to **dates of birth** is **approved**. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

If you have any questions, please call me at 217-782-9078. This letter shall serve to close this matter.

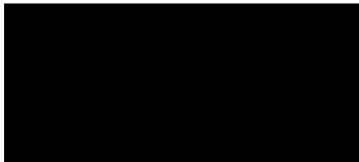
Sincerely,

Cara Smith
Public Access Counselor

By:


Matthew M. Sebek
Assistant Attorney General, Public Access Division

cc:


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