



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 8, 2010

Tpr. Kerry Sutton
Freedom of Information Officer
Illinois State Police
PO Box 19461
Springfield, IL 62794

RE: Pre-Authorization Request – 2010 PAC 9969

Dear Tpr. Sutton:

We have received and reviewed the written notice from the Illinois State Police 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).

Mr. Michael Silverman on behalf of Howitz, Horwitz & Associates submitted a FOIA request received September 30 seeking crash report 21-09-00495 and field report 21-09-00571. In its written notice, the ISP 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 ISP’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) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: [REDACTED]
Matthew C. Rogina
Assistant Attorney General, Public Access Division

cc:
Mr. Michael Silverman
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