



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 19, 2011

Tracy Page
Freedom of Information Act Officer
Kendall County Sheriff's Office
1102 Cornell Lane
Yorkville, IL 60560

RE: Pre-Authorization Request - 2011 PAC 13457

Dear Ms. Page:

We have received and reviewed the written notice from the Kendall County Sheriff's Office ("KCSO") of its intention to withhold dates of birth pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/7(1)(c), as amended.

On March 22, 2011, State Farm Mutual Automobile Insurance Company submitted a FOIA request (Claim No. 13-E037-235) seeking a copy of the KCSO's police report No. 2011-1100. In its April 8, 2011 written notice to the Office of the Public Access Counselor, the KCSO 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." *Id.*

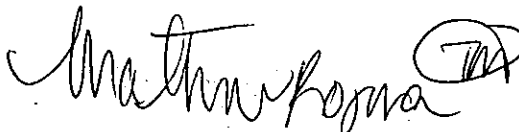
Determination

The KCSO'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 KCSO 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.

Accordingly, the KCSO has met its burden of demonstrating that this information is exempt from disclosure 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,

A handwritten signature in black ink that reads "Matthew C. Rogina". The signature is written in a cursive style. To the right of the name, there is a circled monogram, possibly "MR".

Matthew C. Rogina
Assistant Public Access Counselor

cc: State Farm Mutual Automobile Insurance Co.
1 State Farm Plaza
Bloomington, IL 61701

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