



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 19, 2011

Nicole Both
Freedom of Information Officer
Metra
547 West Jackson Boulevard
Chicago, IL 60661

RE: Pre-Authorization Request – 2011 PAC 13509
Requester: [REDACTED]

Dear Ms. Both:

We have received and reviewed the written notice from Metra of its intention to deny disclosure of certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c).

On April 11, 2011, [REDACTED] requested a certain Metra police report. In its written notice dated April 12, 2011, Metra asserts that the dates of birth appearing in that report are exempt from disclosure under Section 7(1)(c) of FOIA.

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 the 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.*

Metra’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 under Section 7(1)(c). 5 ILCS 140/7(1)(c). This information is highly personal, and the subjects’ right to privacy outweighs any legitimate public interest in obtaining this information.

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Accordingly, Metra properly issued a partial denial letter directly to Ms. Clark and released the report to her with the appropriate information redacted. If you have any questions, feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,



Sarah Kaplan
Assistant Public Access Counselor

cc:



13509 preauth al 71c dob reg auth