



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

April 19, 2011

Ann Kavanaugh  
Village of Schaumburg Police Department  
Freedom of Information Act Officer  
[akavanaugh@ci.schaumburg.il.us](mailto:akavanaugh@ci.schaumburg.il.us)

RE: Pre-Authorization Request #2011/PAC 13557

Dear Ms. Kavanaugh:

We have received and reviewed the written notice from the Village of Schaumburg Police Department ("Department") of its intention to deny disclosure of dates of birth pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

On April 12, 2011, [REDACTED] submitted a FOIA request seeking a copy of the Department's Arrest Report No 09-305343. In its April 13, 2011, written notice to the Office of the Public Access Counselor, the Department 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.*

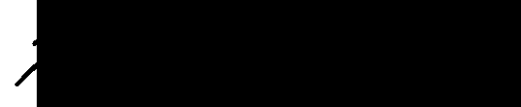
**Determination**

The Department'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 Department 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 Department has met its burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

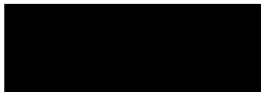
If you have any questions, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

A large black rectangular redaction box covering the signature area.

Matthew C. Rogina  
Assistant Public Access Counselor

cc:

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*13433 preauth al 71c dob pd*