



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 15, 2010

Mr. Michael S. Recupito
Freedom of Information Officer
Round Lake Police Department
741 West Town Line Road
Round Lake, IL 60073-5709

RE: Pre-Authorization Request – 2010 PAC 10056

Dear Mr. Recupito:

We have received and reviewed the written notice from the Round Lake Police Department 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).

LexisNexis submitted a FOIA request received October 4, 2010, seeking police report 10-1712. In its written notice, the Department asserted that dates of birth and emergency contact name and relationship are exempt from disclosure pursuant to Section 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.” 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 Department’s use of the exemption in Section 7(1)(c) with regard to dates of birth is **approved**. This Office has 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.

The Department’s use of the exemption in Section 7(1)(c) with regard to emergency contact name and relationship, is also **approved**. An individual’s emergency contact name and relationship are highly personal, and the subject’s right to privacy outweighs any legitimate public interest in disclosing this information. This Office has determined that the disclosure of the name and relationship would constitute a clearly unwarranted invasion of personal privacy pursuant to Section 7(1)(c) of FOIA. 5 ILCS 140/7(1)(c).

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:

Matthew C. Rogina
Assistant Attorney General, Public Access Division

cc
LexisNexis
PO Box 7000
Southeastern, PA 19398

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