



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 15, 2010

Ms. Colleen O'Brien
Freedom of Information Officer
City of Harvard Police Department
PO Box 310
Harvard, IL 60033

RE: Pre-Authorization Request – 2010 PAC 10063

Dear Ms. O'Brien:

We have received and reviewed the written notice from the City of Harvard 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).

[REDACTED] submitted a FOIA request received on September 30, 2010, seeking police report 3006003603. In its written notice, the Department asserted that dates of birth are exempt from disclosure pursuant to Section 7(1)(c) of FOIA, 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.

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:

[REDACTED]
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