



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 21, 2011

Ann Kavanaugh
Records Supervisor
Schaumburg Police Department
1000 W. Schaumburg Road
Schaumburg, Illinois 60194

RE: Pre-Authorization Request – 2011 PAC 13561

Dear Ms. Kavanaugh:

We have received and reviewed the written notice from Schaumburg Police Department of its intention to deny disclosure of certain information pursuant to the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

Specifically, the Department received a FOIA request from the Metropolitan Reporting Bureau, in which the Reporting Bureau sought a copy of police report #11-7466. In its written notice, the Department asserts that the dates of birth, contained within the requested report, are exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)).

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.” The exemption defines “unwarranted 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.*

The Department’s use of Section 7(1)(c) exemption with regard to dates of birth is **approved**. A date of birth is highly personal information, and an individual’s right to privacy with respect to his date of birth generally outweighs any legitimate public interest in obtaining it. Thus, disclosure of the dates of birth would constitute a clearly unwarranted invasion of personal privacy to the individuals. Accordingly, the Department has met its initial burden of establishing that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

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If you have any questions or concerns, please feel free to contact me at (312) 814-6437. This letter shall serve to close this matter.

Sincerely,



Tola Sobitan
Assistant Public Access Counselor

cc: Metropolitan Reporting Bureau
Box 926, William Penn Annex
Philadelphia, PA 19105-0926

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