



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 20, 2011

Wendellyn J. Briggs
City Clerk/Freedom of Information Officer
100 E. Phoenix Avenue
P.O. Box 589
Normal, IL 61761-0589

RE: Pre-Authorization Request – 2011 PAC 13577

Dear Ms. Briggs:

We have received and reviewed the written notice from the Town of Normal of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

Legal Assistant Amber Beningo submitted a FOIA request dated April 13, 2011, seeking a copy of the accident report described in her request. In its written notice, the Town asserted that a date of birth is exempt from disclosure under Section 7(1)(c) (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, unless the disclosure is consented to in writing by the individual subjects of the information." *Id.* 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.*

The Town's use of the exemption in Section 7(1)(c) with regard to a date 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). This information is highly personal by its

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very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

As such, the Town may issue a partial denial letter directly to the requester and release the report with the appropriate information redacted. If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

STEVE SILVERMAN by EK

Steve Silverman
Assistant Public Access Counselor

cc: Amber Beningo, Legal Assistant
McCarron Law Firm, P.C.
624 North Main Street
Bloomington, Illinois 61701

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