



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 20, 2011

Kerry Sutton
Freedom of Information Officer
Illinois State Police
801 S. Seventh St.
Suite 1000-S
Springfield, IL 19461

RE: Pre-Authorization Request — 2011 PAC 13594

Dear Trooper Sutton:

We have received and reviewed the written notice from the Illinois State Police 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.

██████████ submitted a FOIA request received on April 7, 2011, seeking copies of the evidence receipts described in his letter. In its written notice, the ISP asserted that dates of birth are 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 ISP's use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted

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invasion of personal privacy under Section 7(1)(c). This 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 ISP may issue a partial denial letter directly to the requester and release the documents with the appropriate information redacted. If you have any questions, please feel free to contact me at the Office of the Attorney General, 11th Floor, 100 West Randolph Street, Chicago, Illinois 60601 or at (312) 814- 6756 . This correspondence shall serve to close this matter.

Sincerely,

Steve Silverman by EK

Steve Silverman
Assistant Public Access Counselor

cc:



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