



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 28, 2011

Colleen O'Brien
Records Clerk
FOIA Officer
Harvard Police Department
P.O. Box 310
Harvard, Illinois 60033

RE: Pre-Authorization Request – 2011 PAC 13701

Dear Ms. O'Brien:

We have received from the Harvard Police Department a notice of intention to deny disclosure of certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. On April 14, 2011, the Department received a FOIA request from [REDACTED] in which she sought a copy of report number 040401202. In its written notice, the Department asserted that a date of birth is exempt from disclosure under Section 7(1)(c) (5 ILCS 140/7(1)(c)).

Determinations

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

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As such, the Department may issue a partial denial letter directly to the requester and release the record 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:



13701 pre-auth at 71c dob pd