



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

April 28, 2011

Ann Kavanaugh  
Records Supervisor  
Schaumburg Police Department  
1000 W. Schaumburg Road  
Schaumburg, Illinois 60194-4198

RE: Pre-Authorization Request — 2011 PAC 13722

Dear Ms. Kavanaugh:

We have received from the Schaumburg 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 15, 2011, the Department received a FOIA request from Ronald Holtorf in which he sought a copy of report number 11-929. In its written notice, the Department 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 Department'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 invasion of personal privacy under Section 7(1)(c). This information is highly

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

As such, the Department may issue a partial denial letter directly to the requester and release the records 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: Ronald Holtorf  
ron.holtorf@chartisinsurance.com

*13722 pre-auth at 71c dob pd*