



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 21, 2010

Ms. Ann Kavanaugh
Freedom of Information Officer
Village of Schaumburg Police Department
1000 W. Schaumburg Rd.
Schaumburg, IL 60194

RE: Pre-Authorization Request - 2010 PAC 10072
FOIA Requester: Ms. Jan Hughes

Dear Ms. Kavanaugh:

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

Ms. Jan Hughes submitted a FOIA request dated October 7, 2010, seeking a copy of Report #10-24636. In its written notice the Department asserted that dates of birth are exempt from disclosure pursuant to Section 7(1)(c) of FOIA.

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 disclosure is consented to in writing by the individual subjects of the information." 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 a person's date of birth is highly personal information, and the subject's right to privacy with respect to this information outweighs any legitimate public interest in its disclosure. As such, the Department may issue a partial denial letter directly to Ms. Hughes and release the record with the appropriate information redacted.

Page 2
October 21, 2010

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,

Cara Smith
Public Access Counselor

By: Tola Sobitan ONR

Tola Sobitan
Assistant Public Access Counselor

cc: Ms. Jan Hughes
McGill Management Inc.
1314 N. Rand Rd.
Arlington Heights, IL 60004

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