



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 22, 2010

Nicole Wickham
FOIA Officer, Records Division
Aurora Police Department
1200 E. Indian Trail
Aurora, Illinois 60505

RE: Pre-Authorization Request – 2010 PAC 10203

Dear Ms. Wickham:

We have received and reviewed the written notice from Aurora Police Department (Department) of its intention to deny disclosure of dates of birth in a specific report pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c).

On September 24, 2010, Mr. David Jackson, on behalf of Chicago Tribune, submitted a FOIA request to the Department, seeking a copy of all reports involving alleged child abduction or attempted child abduction by a stranger since January 1, 2008.

In its written notice, the Department asserts that dates of birth, contained within requested reports, are exempt from disclosure under 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.” The exemption defines “unwarranted 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 Section 7(1)(c) exemption with regard to dates of birth is approved. A date of birth is highly personal information, and an individual’s right to privacy with respect to his date of birth generally outweighs any legitimate public interest in obtaining it. Thus, disclosure of the dates of birth would constitute a clearly unwarranted invasion of personal privacy to the individuals. As such, the Department has met its burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

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Please note that this letter does not express an opinion or provide advice as to the applicability of any exemptions to these records other than Section 7(1)(c).

If you have any questions or concerns, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Tola Sobitan
Assistant Public Access Counselor

cc: David Jackson
Reporter
Chicago Tribune
435 N. Michigan Avenue
Chicago, Illinois 60611

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