



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 26, 2010

Mr. Dean Myles
Freedom of Information Officer
Itasca Police Department
540 West Irving Park Road
Itasca, IL 60143

RE: Pre-Authorization Request - 2010 PAC 10245
FOIA Requester: [REDACTED]

Dear Mr. Myles:

We have received and reviewed the written notice from the Itasca 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.

[REDACTED] submitted a FOIA request dated October 15, 2010, seeking a copy of Report #101013009692. 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 [REDACTED] 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,

Cara Smith
Public Access Counselor

By: Tola Sobitan DNR

Tola Sobitan
Assistant Public Access Counselor

cc:



10245 pre-auth at 71c dob pd