



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

October 27, 2010

Kerry Sutton
Illinois State Police
801 S. Seventh St., Ste. 1000-S
PO Box 19461
Springfield, IL 62794-9461

RE: Pre-Authorization Request – 2010 PAC 10288

Dear Mr. Sutton. :

We have received and reviewed the written notice from the Illinois State Police Department (Department) of its intention to deny certain information as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA). The Department is seeking to redact the victim's date of birth from the requested documents.

██████████ submitted a FOIA request on October 4, 2010 for the police report in Case ██████████. In its written notice, the Department asserted that the date of birth is exempt from disclosure under Section 7(1)(c) of FOIA.

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." 5 ILCS 140/7(1)(c). 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.*

Determination

The Department's use of the exemption in Section 7(1)(c) with regard to the victim's date of birth is approved. We have determined that the disclosure of date of birth would constitute a clearly unwarranted invasion of personal privacy. This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

Accordingly, the Department may issue a partial denial letter and release the reports with the date of birth redacted, if it has not already done so. The Department intends to use the exemptions in Sections 7(1)(a), (b) and (d)(vi) to redact additional information from the report. We have not analyzed the use of those exemptions because they do not require pre-approval from our office.

If you have any questions, please feel free to contact me at (217) 785-7438. This correspondence shall serve to close this matter.

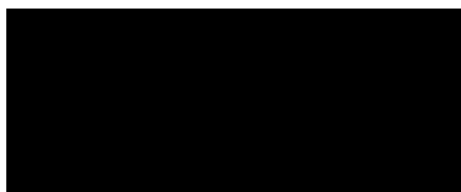
Sincerely,

Cara Smith
Public Access Counselor

By: *Amanda Lundeen*
AL

Amanda M. Lundeen
Assistant Public Access Counselor

cc:



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