



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 26, 2010

Robert Burden
FOIA Officer
City of Loves Park
100 Heart Boulevard
Loves Park, Illinois 61111

RE: Pre-Authorization Request – 2010 PAC 9931

Dear Mr. Burden:

We have received and reviewed the written notice from the City of Loves Park (City) of its 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.

██████████ submitted a FOIA request dated September 20, 2010, seeking copies of any arrest records or reports concerning a specific third party. In its written notice, the City asserted that dates of birth and third party names 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, 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 City'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). 5 ILCS 140/7(1)(c). This type of

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

The City's use of the exemption in Section 7(1)(c) with regard to names of individuals who were arrested is denied. We have determined that the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). This type of information is not highly personal and the subject's right to privacy does not outweigh any legitimate public information in disclosing this information.

The City's use of the exemption in Section 7(1)(c) with regard to the name of the complainant is approved. We have determined that the disclosure of this information would be highly objectionable to a reasonable person. The subject's right to privacy outweighs any legitimate public interest in obtaining this information. Therefore, the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c). As such, the City may issue a partial denial letter directly to the requester and release the records in accordance with this letter.

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.

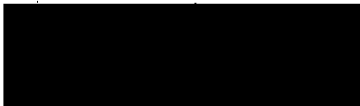
Sincerely,

Cara Smith
Public Access Counselor

By:

Amalia Rioja byek
Amalia Rioja
Chief Deputy Public Access Counselor

cc:



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