



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

May 2, 2011

Ann Kavanaugh  
Records Supervisor  
Schaumburg Police Department  
1000 W. Schaumburg Road  
Schaumburg, Illinois 60194-4198

RE: Pre-Authorization Request — 2010 PAC 13788

Dear Ms. Kavanaugh:

We have received from the Schaumburg Police Department a notice of 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. On April 12, 2011, LexisNexis submitted a FOIA request seeking a copy of report # 11-06274. In its written notice, the Department asserted that a date of birth and a suspect's name are exempt from disclosure under Section 7(1)(c). (5 ILCS 140/7(1)(c))

**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 the disclosure is consented to in writing by the individual subjects of the information." *Id.* 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 a date of birth is **approved**. Birth dates are a highly personal form of information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. A subject's right to privacy

May 2, 2011

Page 2

outweighs any legitimate public interest in the disclosure of his or her date of birth.

The Department's use of the exemption in Section 7(1)(c) with regard to the name of an un-arrested suspect is also **approved**. Information identifying an individual as a suspect of a crime for which he or she was not arrested is highly personal by its very nature. The subject's right to privacy outweighs any legitimate public interest in disclosure of such information. Therefore, disclosing this information would constitute a clearly unwarranted invasion of personal privacy as defined in Section 7(1)(c).

Accordingly, the Department has sustained its initial burden of demonstrating that the information described above is exempt from disclosure pursuant to Section 7(1)(c) of FOIA. As such, the Department may issue a partial denial letter directly to the requester and release the records in accordance with this letter.

The Department has asserted that additional information in the records is exempt from disclosure under Section 7(1)(b) (5 ILCS 140/7(1)(b)). Because prior approval by the Public Access Counselor is not required for the assertion of exemptions other than Section 7(1)(c) and Section 7(1)(f) (5 ILCS 140/7(1)(f)), we make no determination at this time regarding the applicability of any other exemptions.

If you have any questions, please feel free to contact me at (312) 814-6756. This correspondence shall serve to close this matter.

Sincerely,

STEVE SILVERMAN  
by EK

Steve Silverman  
Assistant Public Access Counselor

cc: LexisNexis  
P.O. Box 7000  
Southeastern, Pennsylvania 19398

*13788 pre-auth al 71c dob, sus priv pd*