



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

Lisa Madigan
ATTORNEY GENERAL

May 2, 2011

Ann Kavanaugh, FOIA Officer
Schaumburg Police Department
1000 W. Schaumburg Road
Schaumburg, IL 60194-4198

RE: Pre-Authorization Request – 2011 PAC 13831

Dear Ms. Kavanaugh:

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

The Metropolitan Reporting Bureau submitted a FOIA request on April 25, 2011 for Schaumburg Police Department Motor Vehicle Theft Case Report RD-11-8261. In its written notice, the SPD asserted that the dates of birth are 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 SPD's use of the exemption in Section 7(1)(c) with regard to the dates of birth is approved. We have determined that the disclosure of dates 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 SPD may issue a partial denial letter and release the reports with the dates of birth redacted, if it has not already done so.

If you have any questions, please feel free to contact Tammy Friedewald at (217) 558-1926. This correspondence shall serve to close this matter.

Sincerely,

Dushyanth Reddivari MC

Dushyanth Reddivari
Assistant Public Access Counselor

cc: Metropolitan Reporting Bureau
Box 926, William Penn Annex
Philadelphia, PA 19105-0926