



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 28, 2010

Mr. Robert J. Burden
Freedom of Information Officer
City of Loves Park
100 Heart Boulevard
Loves Park, Illinois 61111

RE: Pre-Authorization Request – 2010 PAC 10103
FOIA Requester: Mr. Leroy Miller

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 pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c).

On September 25, 2010, [REDACTED] submitted a FOIA request to the City, seeking a copy of Report #10-015753. In its written notice, the City asserts that the dates of birth, the names of suspects (listed as defendants in the report) and others individuals named in the report 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 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. A date of birth is highly personal information, and an individual's right to privacy with respect to his date of birth generally outweighs any legitimate public interest in obtaining it. Thus, disclosure of the dates of birth would constitute a clearly unwarranted invasion of personal privacy to the individuals. As such, the City has met its burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

Next, the City's use of the Section 7(1)(c) exemption with regard to the names of the suspects, listed as defendants in the requested report, is denied. We have determined that the disclosure of the names of these suspects would not constitute a clearly unwarranted invasion of personal privacy because the report shows that these suspects have been arrested and charged in relation to the incident. Hence, the City has failed to meet its burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

Finally, the City's use of the exemption in Section 7(1)(c) with regard to the names of other individuals listed in the report is approved. None of these said individuals were arrested or charged with regard to this incident. As such, we have determined that the disclosure of this information would be highly objectionable to a reasonable person, and these individuals' right to privacy outweighs any legitimate public interest in obtaining this information.

Please note that this letter does not express an opinion or provide advice as to the applicability of any exemptions to these records other than Section 7(1)(c).

In accordance with this letter, therefore, the City may issue a partial denial letter directly to [REDACTED] and release the records to him 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 letter shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: Tola Sobitan DNR

Tola Sobitan
Assistant Public Access Counselor

cc:



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