



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 1, 2010

State's Attorney Eric Weis
FOIA Officer
Office of the Kendall County State's Attorney
Kendall County Courthouse
807 West John Street
Yorkville, Illinois 60560

RE: Pre-Authorization Request – 2010 PAC 10348
Requester: Mr. Larry Nelson, WSPY

Dear Mr. Weis:

We have received and reviewed the written notice from the Kendall County State's Attorney's Office (Office) of its intention to deny disclosure of dates of birth as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c).

The Office's written notice relates to an October 18, 2010, FOIA request by Mr. Larry Nelson of WSPY for records related to employees Robert Dore and Mike Riedy. In its written notice, the Office asserted that disclosure of these employees' dates of birth would constitute a clearly unwarranted invasion of the employees' personal privacy 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. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy." *Id.*

Determination

The Office's use of the Section 7(1)(c) exemption with regard to the employees' dates of birth is **approved**. A date of birth is highly personal information, and the subjects' right to privacy with respect to this information outweighs the public's legitimate interest in obtaining it. Thus,

disclosure of the employees' dates of birth would constitute a clearly unwarranted invasion of the employees' personal privacy. Accordingly, the Office has met its initial burden of demonstrating that the dates of birth are exempt from disclosure under Section 7(1)(c) of FOIA.

We note that the Office has asserted other exemptions in FOIA to partially deny disclosure of records. Use of these exemptions does not require preapproval from our Office. Should you have questions or concerns, please feel free to contact me at (312) 793-0865.

Sincerely,

Cara Smith
Public Access Counselor

By 

Sara Gadola Gallagher
Deputy Public Access Counselor

cc: Mr. Larry Nelson
WSPY
One Broadcast Center
Plano, Illinois 60545