



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 1, 2010

Tpr. Kerry Sutton
Freedom of Information Officer
Illinois State Police
PO Box 19461
Springfield, IL 62794

RE: Pre-Authorization Request – 2010 PAC 10372

Dear Tpr. Sutton:

We have received and reviewed the written notice from the Illinois State Police 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, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

[REDACTED] submitted a FOIA request received October 10, 2010, seeking a “copy of all records and reports of all evidence submitted by Chicago Police Department in agency case 1L2242188. Including results of examinations, scientific tests, experiment and comparisons. All records in the possession or under the control of this agency.” In its written notice, the ISP asserted that dates of birth and victims names are exempt from disclosure pursuant to Section 7(1)(c), which 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 of privacy outweighs any legitimate public interest in obtaining the information.” *Id.*

Determination

The ISP’s use of the exemption in Section 7(1)(c) with regard to dates of birth and victims’ names is **approved**. This Office has 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. As such, disclosure of the victim’s name would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c) of FOIA.

If you have any questions, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,
Cara Smith
Public Access Counselor

cc:

By:

Matthew C. Rogina
Assistant Attorney General, Public Access Division

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