



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

Lisa Madigan
ATTORNEY GENERAL

October 29, 2010

Ms. Heather Kruse
FOIA Officer
City of Des Plaines - Legal Division
1420 Miner Street
Des Plaines, IL 60016

Re: Pre-Authorization Request – 2010 PAC 10393
FOIA Requester: Tom Henry

Dear Ms. Kruse:

We have received and reviewed the written notice from the City of Des Plaines (City) of its intention to deny disclosure of dates of birth in a police report for being exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

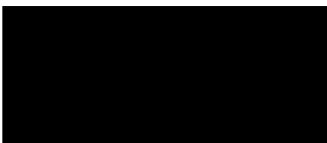
Subsection 7(1)(c) exempts from inspection and copying “[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy”. The exemption defines “unwarranted invasion of personal privacy” as “the disclosure of information 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 City’s use of the subsection 7(1)(c) exemption with regard to dates of birth is **approved**. The information is highly personal by its very nature, and the subjects’ right to privacy with respect to this information outweighs any legitimate public interest in obtaining it. Thus, the information is exempt from disclosure under subsection 7(1)(c) of FOIA, as disclosure would constitute a clearly unwarranted invasion of personal privacy to the subjects of the information.

As such, the City should issue a partial denial letter directly to the FOIA requester in accordance with this letter. Should you have questions or concerns, please feel free to contact our office at (312) 793-0024. This correspondence shall serve to close this matter.

Sincerely,

cc:



Cara Smith
Public Access Counselor

Amalia Rioja / ASR

By: Amalia Rioja
Chief Deputy Public Access Counselor

10393 pre-auth al 71c dob mun