



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

May 11, 2011

Ms. Kathy Wilson  
Records Supervisor, FOIA Officer  
Batavia Police Department  
100 North Island Avenue  
Batavia, Illinois 60510

RE: FOIA Pre-Authorization Request - 2011 PAC 13601

Dear Ms. Wilson:

We have received and reviewed the written notice from the City of Batavia Police Department of its intention to deny certain information as exempt from disclosure under section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010). The Department is seeking to redact dates of birth and the narrative portion of the report.

██████████ submitted a FOIA request for a copy of police report number 11-5813 on April 11, 2011. In its written notice, the Department asserts that dates of birth and the narrative portion of the report 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 the disclosure is consented to in writing by the individual subjects of the information." 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." 5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010.

**DETERMINATION**

The Department's use of the exemption in section 7(1)(c) for the dates of birth is **approved**. We have determined that the Department has met its initial burden to demonstrate that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal