



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 11, 2011

Denise Wills, FOIA Officer
Village of Huntley Police Department
10911 Main Street
Huntley, IL 60142-7394

RE: FOIA Pre-Authorization Request - 2011 PAC 13890

Dear Ms. Wills:

We have received and reviewed the written notice from the Village of Huntley Police Department (HPD) 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 HPD is seeking to redact the name and identifiers for a juvenile mentioned in the domestic reports requested, as well as all date of birth information included in these reports.

██████████ submitted a FOIA request for all records pertaining to Huntley Police Department Case Numbers 11-02489 and 11-02643 on April 20, 2011. In its written notice, the HPD asserts that the name and identifiers for a juvenile listed in the requested documents as well as dates of birth 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 HPD's use of the exemption in section 7(1)(c) to redact both the name and identifiers of a juvenile mentioned in the reports as well as dates of birth is **approved**. We have

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determined that the HPD has met its initial burden to demonstrate that the disclosure of the name and identifiers of a juvenile listed in a domestic report would be highly objectionable to a reasonable person. Under these circumstances, the right to privacy outweighs any public interest in the information that the HPD intends to withhold.

Additionally, we have found the HPD to have met its initial burden by demonstrating that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy. This type of information is also highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. *See, e.g., Oliva v. United States*, 756 F. Supp. 105, 107 (E.D.N.Y. 1991) (holding that, under Exemption 6 of the Federal Freedom of Information Act (5 U.S.C. §552(b)(6)), "dates of birth[] are a private matter, particularly when coupled with * * * other information" and "would constitute a clearly unwarranted invasion of personal privacy"); *Texas Comptroller of Public Accounts v. Attorney General of Texas*, ___ S.W.3d ___, 54 Tex. Sup. Ct. J. 245 (2010) (state employees have a "nontrivial privacy interest" in their dates of birth under the Texas Public Information Act (*see* Tex. Gov't Code §§552.101, 552.102), which substantially outweighs the negligible public interest in disclosure).

Accordingly, the HPD may issue a partial denial letter and release the reports with the name and identifiers of the juvenile and dates of birth redacted, if it has not already done so.

If you have any questions about FOIA, please contact us at (877) 299-FOIA. This correspondence shall serve to close this matter.

Very truly yours,



DUSHYANTH REDDIVARI
Assistant Attorney General
Public Access Bureau

cc:

