



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

November 8, 2010

Susan Matthews  
FOIA Compliance Officer  
Village of Villa Park  
20 S. Ardmore  
Villa Park, Illinois 60181

RE: Pre-Authorization Request— 2010 PAC 10466

Dear Ms. Matthews:

We have received and reviewed the written notice from the Village of Villa Park (Village) of its intention to deny disclosure of certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act, (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

Linda Burnickas submitted a FOIA request dated October 26, 2010, seeking a copy of a Police Report concerning harassing phone calls made to Prime Staffing. In its written notice, the Village asserted that a date of birth is exempt from disclosure under Section 7(1)(c) of FOIA.

**Determination**

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." 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." *Id.*

The Village's use of the exemption in Section 7(1)(c) with regard to a date of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. As such, the Village may issue a partial denial letter directly to the requester and release the record with the appropriate information redacted.

November 8, 2010

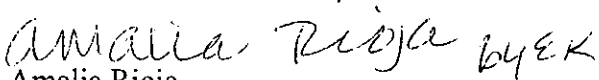
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If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:

  
Amalia Rioja  
Chief Deputy Public Access Counselor

cc: Linda Burnickas  
Prime Staffing  
HR and Safety Manager  
3806 North Cicero Avenue  
Chicago, Illinois 60641

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