

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

Lisa Madigan
ATTORNEY GENERAL

November 5, 2010

Nancy Sujet
Administrative Assistant
Village of Lake in the Hills
600 Harvest Gate
Lake in the Hills, IL 60156

RE: Pre-Authorization Request – 2010 PAC 10518

Dear Ms. Sujet:

We have received and reviewed the written notice from the Village of Lake in the Hills (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.

Ben Cuttino, LexisNexis, submitted a FOIA request on October 26, 2010 seeking Accident Report L10-13244. In its written notice, the Village asserted that 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 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 to privacy outweighs any legitimate public interest in obtaining the information.” *Id.*

Determination

The Village’s proposed application of the exemption in Section 7(1)(c) with regard to dates 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). 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.



Accordingly, the Village may issue a partial denial letter and release the records with dates of birth redacted.

If you have any questions, please feel free to contact me at (312) 814-1003 or joleary@atg.state.il.us. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: 

 Jessica O'Leary
Assistant Attorney General 

cc: Ben Cuttino
LexisNexis
P.O. Box 7000
Southeastern, Pennsylvania 19398

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