



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 10, 2010

Ms. Colleen O'Brien
Freedom of Information Officer
City of Harvard Police Department
P.O. Box 310
Harvard, Illinois 60033

RE: Pre-Authorization Request - 2010 PAC 10612
FOIA Requester: [REDACTED]

Dear Ms. O'Brien:

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

On October 19, 2010, [REDACTED] submitted a FOIA request to the Department, seeking a copy of Report #3009004425. In its written notice, the Department asserts that dates of birth are exempt from disclosure pursuant to Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)).

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." *Id.* 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 Department's use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. We have determined that a person's date of birth is highly personal information, and the subject's right to privacy with respect to this information outweighs any legitimate public interest in its disclosure. As such, the Department may issue a partial denial letter directly to Ms. Benson and release the record with the appropriate information redacted.

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.

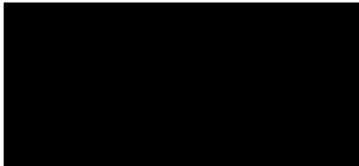
Sincerely,

Cara Smith
Public Access Counselor

By: Tola Sobitan DJR

Tola Sobitan
Assistant Public Access Counselor

cc:



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