



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

May 13, 2011

Ann Kavanaugh  
Records Supervisor  
Schaumburg Police Department  
1000 W Schaumburg Road  
Schaumburg, Illinois 60194-4148

RE: FOIA Pre-Authorization Request - 2011 PAC 14016

Dear Ms. Kavanaugh:

We have received and reviewed the written notice from the Schaumburg Police Department (Department) of its intention to deny disclosure of certain information 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). Specifically, on May 5, 2011, [REDACTED] submitted a FOIA request to the Department for police report number 10-11307. The Department is seeking to redact from the requested documents dates of birth and the name of a third-party individual referenced in the report.

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) to redact the name of a third-party individual is **approved**. We have concluded that the Department has met its initial burden of demonstrating that the disclosure of the name of a third-party individual referenced in the report would be highly objectionable to a reasonable person. Under these circumstances, the

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individual's right to privacy outweighs any legitimate public interest in the information that Department intends to redact from the report.

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 privacy. 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. *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 Department may issue a partial denial letter and release the reports with the above-referenced information redacted, if it has not already done so.

If you have any questions, please contact Andres Acosta at (877) 299-3642. This correspondence shall serve to close this matter.

Very truly yours,

Rebecca Riddick by: AA

REBECCA RIDDICK  
Assistant Attorney General  
Public Access Bureau

cc:

