



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

November 16, 2010

Colleen O'Brien  
Records Clerk  
FOIA Officer  
Harvard Police Department  
P.O. Box 310  
Harvard, IL 60033

RE: Pre-Authorization Request – 2010 PAC 10608  
Requester: [REDACTED]

Dear Ms. O'Brien:

We have received and reviewed the written notice from the Harvard Police Department (Department) 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.

On October 25, 2010, [REDACTED] requested all police reports generated at a particular address. In its written notice dated November 2, 2010, the Department asserted that the dates of birth included in those reports are 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.” 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.*

The Department’s use of the exemption in section 7(1)(c) with regard to the 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). 5 ILCS 140/7(1)(c). This information is highly personal, and the subject’s right to privacy outweighs any legitimate public interest in disclosing this information.

Accordingly, the Department should issue a partial denial letter directly to [REDACTED] and release the reports to him with the appropriate information redacted.

If you have any questions, please feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:

[REDACTED]

Sarah Kaplan  
Assistant Public Access Counselor

cc:

[REDACTED]

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