



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

November 15, 2010

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

RE: Pre-Authorization Request – 2010 PAC 10611

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 pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

Doug Thompson submitted a FOIA request dated October 26, 2010, seeking a copy of Report # 3010005691. In its written notice, the Department 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 Department'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). 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 Department may issue a partial denial letter directly to the requester and release the record with the appropriate information redacted.

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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 by EK*  
Amalia Rioja  
Chief Deputy Public Access Counselor

cc: Doug Thompson  
Castle Bank  
141 W. Lincoln Highway  
DeKalb, Illinois 60015

*10611 pre-auth at 71c dob pd*