



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 27, 2010

Trooper Kerry Sutton
Illinois State Police
801 South Seventh Street, Suite 1000-S
P.O. Box 19461
Springfield, Illinois 62794

RE: Pre-Authorization Request – 2010 PAC 6908

Dear Mr. Sutton:

We have received and reviewed the written notice from the Illinois State Police (ISP) of its intention to deny certain information as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

Mr. [REDACTED] submitted a FOIA request dated April 16, 2010, seeking information involving a traffic accident on March 19, 2010. In its written notice, ISP asserted that dates of birth are exempt from disclosure under subsection 7(1)(c) of FOIA.

Subsection 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

ISP’s use of the exemption in subsection 7(1)(c) of FOIA with regard to dates of birth is **approved**. A date of birth is highly personal information, and an individual’s right to privacy with respect to his date of birth outweighs any legitimate public interest in this information. Thus, disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under subsection 7(1)(c) of FOIA.

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As such, ISP should issue a partial denial letter directly to Mr. [REDACTED]. Should you have questions or concerns, please feel free to contact me at (312) 814-5206. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: *Amalia Rioja smg*

Amalia Rioja
Chief Deputy Public Access Counselor

cc: [REDACTED]