



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

November 30, 2010

Beth A. Ball  
Chief Deputy City Clerk  
City of Peoria  
419 Fulton Street, Suite 401  
Peoria, Illinois 61602-1232

RE: Pre-Authorization Request – 2010 PAC 10773

Dear Ms. Ball:

We have received and reviewed the written notice from the City of Peoria (City) of its intention to deny disclosure of certain information pursuant to the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

On November 10, 2010, Mr. M. Curt Richardson submitted a FOIA request to the City, seeking the following information:

A copy of the liquor license application of Connabe, Inc. d/b/a Dane's Bar & Grill for location 4114 Brandywine Drive, Peoria, IL, as well as any documents pertaining to the denial of such application or appeal of the denial.

In its written notice, the City asserts that the dates of birth contained within the requested records are exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)), and that certain portions of the Police Department Recommendation Letter, contained within the records, are exempt from disclosure under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)).

**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." 5 ILCS 140/7(1)(c). 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." *Id.*

Section 7(1)(f) of FOIA exempts from inspection and copying "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or

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actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.”

The City’s use of Section 7(1)(c) exemption 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 generally outweighs any legitimate public interest in obtaining it. Thus, disclosure of the dates of birth would constitute a clearly unwarranted invasion of personal privacy to the individuals. As such, the City has met its initial burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

Further, the City’s use of the Section 7(1)(f) exemption with regard to withhold certain portions of the Police Department Recommendation letter is approved. We have determined that the withheld portions of this letter consist of recommendations in which opinions were expressed and which were relied upon by the City in its decision-making process regarding a specific matter. Moreover, there is no indication that this letter has been publicly cited or identified by the City. Accordingly, the City has met its initial burden of demonstrating that certain portions of the recommendation letter are exempt from disclosure under Section 7(1)(f) of FOIA.

In accordance with this letter, therefore, the City may issue a partial denial letter to Mr. Richardson and release the records to him with the appropriate information redacted. If you have any questions, please feel free to contact me at (312) 814-6437. This letter shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:



Tola Sobitan  
Assistant Public Access Counselor

cc: M. Curt Richardson  
Miller, Hall & trigs, LLC  
416 Main Street, Suite 1125  
Peoria, IL 61602

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