



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 30, 2010

Susan Matthews
FOIA Officer
Village of Villa Park
20 S. Ardmore Avenue
Villa Park, IL 60181

RE: Pre-Authorization Request – 2010 PAC 10820

Dear Ms. Matthews:

We have received and reviewed the written notice from the Village of Villa Park (Village) 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.

Rachael Temes submitted a FOIA request on November 10, 2010 seeking "[a]ny and all material created or received for an incident involving [REDACTED]...and [REDACTED] on or about January 6, 2008." In its written notice, the Village asserted that dates of birth 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 Village's proposed use of the exemption in Section 7(1)(c) with regard to 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 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.

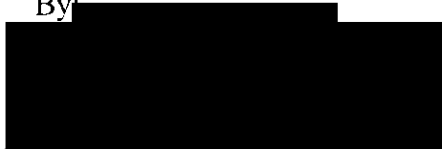
Accordingly, the Village may issue a partial denial letter and the release the records with the dates of birth redacted, if it has not already done so.

If you have any questions, please feel free to contact me at (312) 814-1003 or joleary@atg.state.il.us. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By


Jessica O'Leary
Assistant Attorney General

cc: Rachael Temes
Legal Assistant
Law Office of Tamara Holder
19 S. LaSalle Street, Suite 1500
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