



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 30, 2010

Kate Rasmussen
Freedom of Information Officer
Kendall County Sheriff's Office
1102 Cornell Lane
Yorkville, IL 60560-9597

RE: Pre-Authorization Request – 2010 PAC 10826

Dear Ms. Rasmussen:

We have received and reviewed the written notice from the Kendall County Sheriff's Office (Office) 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.

Joseph A. Capenigro submitted a FOIA request on October 5, 2010 seeking "...a copy of the complete police report [#2010-3827]...as well as any photographs which may have been taken at the scene" regarding insured party, Newark Special Events, LLC. In its written notice, the Office 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 Office'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 Office's issuance

of a partial denial letter and the release the records with the dates of birth redacted were appropriate.

If you have any questions, please feel free to contact me at (312) 814-1003. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Jessica O'Leary
Assistant Attorney General

cc: Joseph A. Capenigro
Wallrab, Capenigro & Associates, Inc.
P.O. Box 487
Lombard, Illinois 60148-0487