



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 2, 2010

Heather Kruse, Staff Attorney
City of Des Plaines
City Manager's Office, Legal Division
1420 Miner Street
Des Plaines, Illinois 60016

RE: Pre-Authorization Request – 2010 PAC 10813

Dear Ms. Kruse:

We have received and reviewed the written notice from the City of Des Plaines (City) 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.

Rockford Mutual Insurance Company submitted a FOIA request on November 8, 2010 seeking police report 10-37114 regarding insured party Brakes Plus, Inc. In its written notice, the City asserted that dates of birth are exempt from disclosure under Section 7(1)(c) of FOIA.

Determination

Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) 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 City'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). 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 City may issue a partial denial letter and the release the record with the dates of birth redacted.

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: Rockford Mutual Insurance Company
P.O. Box 5626
527 Coleman Drive
Rockford, Illinois 61125-5626