



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**

ATTORNEY GENERAL

December 2, 2010

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

Re: Pre-Authorization Request – 2010 PAC 10912  
FOIA Requester: [REDACTED]

Dear Trooper Sutton:

We have received and reviewed the written notice from the Illinois State Police (ISP) of its intention to deny disclosure of dates of birth in an arrest report for being exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

Section 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”. 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.”

ISP’s use of the Section 7(1)(c) exemption with regard to dates of birth is **approved**. The information is highly personal by its very nature, and the subjects’ right to privacy with respect to this information outweighs any legitimate public interest in obtaining it. Thus, the information is exempt from disclosure under Section 7(1)(c) of FOIA, as disclosure would constitute a clearly unwarranted invasion of personal privacy to the subjects of the information.

As such, ISP should issue a partial denial letter directly to the FOIA requester in accordance with this letter. Should you have questions or concerns, please feel free to contact our office at 1-877-299-3642. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

cc: [REDACTED]

By: [REDACTED]  
Rebecca Riddick  
Assistant Public Access Counselor