



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

December 6, 2010

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

RE: Pre-Authorization Request – 2010 PAC 10921

Dear Ms. Rassmussen:

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.

██████████ submitted a FOIA request on November 16, 2010 seeking an addendum to Incident Report #2010-4338, complete by Deputy Briars. 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 (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 Office's proposed application of the exemption found 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 Office may issue a partial denial letter and 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](mailto: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: 