



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

December 15, 2010

Colleen O'Brien
City of Harvard Police Department
201 West Front Street
Harvard, IL 60033

RE: Pre-Authorization Request, 2010-PAC 10798

Dear Ms. O'Brien:

We have received and reviewed the written notice from the Harvard Police Department of its intention to deny certain information as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 et seq., as amended (FOIA). The Department is seeking to redact dates of birth, driver's license numbers and juvenile information from the requested documents.

[REDACTED] of ComEd Corporation Security submitted a FOIA request for police report [REDACTED]. In its written notice, the Department redacted certain information from disclosure under Section 7(1)(c) of FOIA.

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.*

Determination

The Department's use of the exemption in Section 7(1)(c) to redact dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy. 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.

Other redactions do not require pre-authorization from our office. Driver's license numbers is exempt from disclosure under Section 7(1)(b) and juvenile information may be withheld under Section 7(1)(a) as that information is protected under the Juvenile Court Act (705 ILCS 405/9-905),

Accordingly, the Department may issue a partial denial letter in accordance with this letter

If you have any questions, please feel free to contact Tammy Friedewald at (217) 558-1926. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: *Amanda Lundeen*
AL

Amanda M. Lundeen
Assistant Public Access Counselor

cc:



ComEd Corporation Security
1500 Franklin Boulevard
Libertyville, IL 60048

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