



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 15, 2010

Ann Kavanaugh
1000 W. Schaumburg Road
Schaumburg, IL 60193-1899

RE: Pre-Authorization Request - 2010 PAC 10799

Dear Ms. Kavanaugh:

We have received and reviewed the written notice from the Village of Schaumburg 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 and the names of individuals who were not arrested or charged in the incidents described in the requested documents.

██████████ submitted a FOIA request on November 15, 2010 for reports ██████████ and ██████████. In its written notice, the Department asserted that the dates of birth and the names of individuals included in the requested records are exempt 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) with regard to the 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.

The Department's use of the exemption in Section 7(1)(c) with regard to redacting the names of individuals is approved. We have concluded that the disclosure of the names and contact information of people who were never arrested or charged with any crime would be highly objectionable to a reasonable person. Under these circumstances, the subject's right to privacy outweighs any public interest in the information that the Department intends to redact from the report. Therefore, the Department has met its initial burden to redact this information under Section 7(1)(c).

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

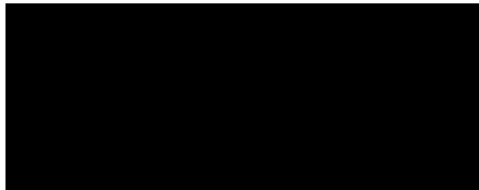
Sincerely,

Cara Smith
Public Access Counselor

By: *Amalia Rioja*
JRF

Amalia Rioja
Chief Deputy Public Access Counselor

cc:



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