



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

December 10, 2010

Karen Bellendir  
Deputy Clerk Assistant  
Village of Franklin Park  
9500 Belmont  
Franklin Park, Illinois 60131

RE: Pre-Authorization Request — 2010 PAC 11097

Dear Ms. Bellendir:

We have received and reviewed the written notice from the Village of Franklin Park (Village) of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

Glenn J. Kahn of Kipnis & Kahn, submitted a FOIA request dated November 29, 2010, seeking copies of the documents described in his request letter. In its written notice, the Village asserted that dates of birth are exempt from disclosure under Section 7(1)(c) of FOIA.

**Determination**

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." 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 Village's use of the exemption in Section 7(1)(c) with regard to dates of birth is approved.

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We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(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. As such, the Village may issue a partial denial letter directly to the requester and release the records with the appropriate information redacted.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:



Amalia Rioja  
Chief Deputy Public Access Counselor

cc: Glenn J. Kahn  
Kipnis & Kahn, LTD.  
20 North Clark Street, Suite 1650  
Chicago, Illinois 60602

*11097 pre-auth al 71c dob pd*