



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 9, 2010

Heather Kruse
Staff Attorney
City of Des Plaines
City Manager's Office
Legal Division
1420 Miner Street
Des Plaines, Illinois 60016

RE: Pre-Authorization Request - 2010 PAC 11103

Dear Ms. Kruse:

We have received and reviewed the written notice from the City of Des Plaines (City) 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.

Michael Conrad submitted a FOIA request dated November 23, 2010, seeking a copy of the police report described in his request letter. In its written notice, the City 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 City's use of the exemption 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). 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 City may issue a partial denial letter directly to the requester and release the records with the appropriate information redacted.

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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: Michael Conrad
Conrad & Associates
1561 Oakton Street
Des Plaines, Illinois 60018

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