



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

December 17, 2010

Ms. Barb Bryant  
Freedom of Information Officer  
City of Canton Police Department  
2 North Main Street  
Canton, IL 61520

RE: Pre-Authorization Request – 2010 PAC 10192

Dear Ms. Bryant:

We have received and reviewed the written notice from the City of Canton Police Department of its intention to deny disclosure of certain information as exempt from disclosure pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

On October 5, 2010, Warden Richard Birkey submitted a FOIA request, seeking a copy of police report that was filed on [REDACTED] who is an employee at Illinois River Correctional Center. In its written notice the Department asserts that dates of birth and statements of the victim and witnesses, contained within the requested report, are exempt from disclosure pursuant to Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)).

**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." *Id.* 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 Department'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). This type of information is highly personal and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. Accordingly, the Department has met its burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

However, we have determined that the statements of the victim and other witnesses, within the requested report, falls within the Section 7(1)(d)(iv) exemption for non-disclosure of the