



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 14, 2010

Kate Rassmussen
Freedom of Information Officer
Kendall County Sheriff's Office
1102 Cornell Lane
Yorkville, IL 60560-9597

RE: Pre-Authorization Request – 2010 PAC 11130
Requester: Tony DeCianni, Bristol West Insurance Company

Dear Ms. Rassmussen:

We have received and reviewed the written notice from the Kendall County Sheriff's Office (KCSO) of its intention to deny disclosure of certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

On November 18, 2010, Mr. DeCianni requested police report number 2010-4862. In its written notice, KCSO asserted that the dates of birth included in that report 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." 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.*

KCSO'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 under Section 7(1)(c). 5 ILCS 140/7(1)(c). This information is highly personal, and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

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As such, KCSO should issue a partial denial letter directly to Mr. DeCianni and release the report to him with the appropriate information redacted.

If you have any questions, please feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Sarah Kaplan
Assistant Public Access Counselor

cc: Tony DeCianni
Senior Special Investigator
Bristol West Insurance Company
P.O. Box 455
Ingleside, IL 60041

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