



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

December 17, 2010

Colleen O'Brien  
Records Clerk  
FOIA Officer  
Harvard Police Department  
P.O. Box 310  
Harvard, Illinois 60033

RE: Pre-Authorization Request – 2010 PAC 11301

Dear Ms. O'Brien:

We have received and reviewed the written notice from the Harvard Police Department 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.

State Farm Mutual Automobile Insurance Company, in connection with Claim Number 13-A980-444, submitted a FOIA request seeking a copy of Police Report # 3010006102. In its written notice, the Department 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 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 by its very nature and the subject's right to privacy outweighs any legitimate

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public interest in disclosing this information. As such, the Department may issue a partial denial letter directly to the requester and release the record 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 by EK*

Amalia Rioja  
Chief Deputy Public Access Counselor

cc: State Farm Insurance  
P.O. Box 2350  
Bloomington, Illinois 61702-9823

*11301 pre-auth at 71c dob pd*