



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 16, 2010

City of Des Plaines
Heather Kruse, Staff Attorney
1420 Miner Street
Des Plaines, IL 60016

Re: Pre-authorization request – 2010 PAC 11311

Dear Ms. Kruse:

We have received from the City of Des Plaines a notice of intention to deny disclosure of certain information requested under the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended. Fresh Horizon Realty requested a copy of police report No. 10-35018. The City asserted that birth dates of individuals listed in the report are exempt from disclosure under Section 7(1)(c) (5 ILCS 140/7(1)(c)).

Information in public records is exempt if disclosure would “constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information.” 5 ILCS 140/7(1)(c). An “[u]nwarranted invasion of personal privacy” is 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.*

Determination

The City’s request for pre-approval to redact birth dates pursuant to Section 7(1)(c) is **approved**. Birth dates are a highly personal form of information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. A subject’s right to privacy outweighs any legitimate public interest in the disclosure of his or her date of birth.

The City intends to redact additional information pursuant to Section 7(1)(b) (5 ILCS 140/7(1)(b)). This office has not analyzed the use of that exemption; the assertion of Section 7(1)(b) does not require pre-approval from this office.

This letter shall serve to close this file. If you have any questions, please feel free to contact me at (312) 814-6756 or ssilverman@atg.state.il.us.

Sincerely,

Cara Smith
Public Access Counselor

By:

A solid black rectangular box redacting the signature of Steve Silverman.

Steve Silverman
Assistant Public Access Counselor

cc: Fresh Horizon Realty
1148 West Grand
Chicago, IL 60642