



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

December 22, 2010

Trooper Kerry Sutton
Freedom of Information Act Officer
Illinois State Police
Kerry_Sutton@isp.state.il.us

RE: Pre-Authorization Request - 2010 PAC.11392

Dear Trooper Sutton:

We have received and reviewed the written notice from the Illinois State Police of its intention to deny 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.

Specifically, [REDACTED] submitted two FOIA requests to ISP on November 23, 2010 for all known records of certain individuals named as a victim, suspect, witness or complainant. On December 16, 2010, ISP submitted a Pre-Authorization Request to our Office and sought our approval to withhold the dates of birth of certain individuals contained in the records from disclosure.

ISP asserted that the dates of birth are exempt pursuant to Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) which 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.*

Determination

ISP's use of the exemption in Section 7(1)(c) with regard to the dates of birth is approved. This Office has concluded that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy. 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.

Accordingly, ISP may issue a partial denial letter and release the record with the dates of birth redacted, if it has not already done so.¹

If you have any questions or concerns, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Matthew C. Rogina
Assistant Public Access Counselor

Cc:



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¹ ISP also noted that it planned to redact certain information pursuant to Section 7(1)(d)(iv) and Section 7(1)(b) of FOIA. Application of these exemptions do not require prior approval from the Office of the Public Access Counselor.