



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan

ATTORNEY GENERAL

December 28, 2010

Ms. Kate Rasmussen
Freedom of Information Act Officer
Kendall County Sheriff's Office
1102 Cornell Lane
Yorkville, IL 60560

Re: Pre-Authorization Request – 2010 PAC 11472
FOIA Requester [REDACTED]

Dear Ms. Rasmussen:

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

Section 7(1)(c) 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”. The exemption defines “unwarranted 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.”

The County’s use of the Section 7(1)(c) exemption with regard to dates of birth is **approved**. The information is highly personal by its very nature, and the subjects’ right to privacy with respect to this information outweighs any legitimate public interest in obtaining it. Thus, the information is exempt from disclosure under Section 7(1)(c) of FOIA, as disclosure would constitute a clearly unwarranted invasion of personal privacy to the subjects of the information.

As such, the County should issue a partial denial letter directly to the FOIA requester in accordance with this letter. Should you have questions or concerns, please feel free to contact our office at 1-877-299-3642. This correspondence shall serve to close this matter.

Sincerely,

cc:



Cara Smith
Public Access Counselor



By: Rebecca Riddick
Assistant Public Access Counselor

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