



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 28, 2010

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

RE: Pre-Authorization Request – 2010 PAC 11495
Requester: [REDACTED]

Dear Ms. Kruse:

We have received and reviewed the written notice from the City of Des Plaines 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 140/7(1)(c). On December 17, 2010, [REDACTED] requested police report number 10-41584. In its written notice, the City asserts that two dates of birth included in that report are exempt from disclosure under Section 7(1)(c) of FOIA.

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, 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.*

Determination

The City’s use of the exemption in Section 7(1)(c) to withhold the first date of birth the City identified in the report is denied. That date of birth is the requester’s. By requesting this report, [REDACTED] has consented to the release of this information. Therefore, this date of birth is not exempt under Section 7(1)(c) in this instance.

The City’s use of the exemption in Section 7(1)(c) with regard to the second date of birth is approved. That date of birth belongs to a third party who has not consented to the release of this information. 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

Ms. Heather Kruse
December 28, 2010
Page 2 of 2

information is highly personal, and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

Accordingly, the City should issue a partial denial letter directly to [REDACTED] 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:

[REDACTED]
Sarah Kaplan
Assistant Public Access Counselor

cc:

[REDACTED]

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