



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 3, 2011

Ms. Colleen O'Brien
Freedom of Information Officer
City of Harvard Police Department
P.O. Box 310
Harvard, Illinois 60033

RE: Pre-Authorization Request – 2010 PAC 10337

Dear Ms. O'Brien:

We have received and reviewed the written notice from the City of Harvard Police Department of its intention to deny disclosure of certain information as exempt from disclosure pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

On October 11, 2010, [REDACTED] submitted a FOIA request to the Department, seeking a copy of Report #3010005430. In its written notice, the Department asserts that dates of birth and certain medical information, contained in the report, are exempt from disclosure pursuant to Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)).

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." *Id.* 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 a person's date of birth is highly personal information, and the subject's right to privacy with respect to this information outweighs any legitimate public interest in its disclosure. As such, the Department has met its burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

The Department's use of the exemption in Section 7(1)(c) with regard to medical information contained in the report is approved. We have determined that information relating to a person's medical condition and treatment is highly personal by its very nature, and the subject's right to privacy with respect to this information outweighs any legitimate public interest in its disclosure.

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As such, the Department has met its initial burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

Accordingly, the Department may issue a partial denial letter directly to [REDACTED] and release the record to her 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:

[REDACTED]
Tola Sobitan
Assistant Public Access Counselor

cc:

[REDACTED]

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