



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 11, 2011

Wendelynn J. Biggs
Freedom of Information Officer
Town of Normal
100 East Phoenix Avenue
Normal, IL 61761-0589

RE: Pre-Authorization Request — 2011 PAC 11691

Dear Ms. Biggs:

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

On January 3, 2011, Lexis Nexis submitted a FOIA request seeking a copy of traffic incident report number A10-1361. In its written notice, the Town of Normal asserted that dates of birth are exempt from disclosure under Section 7(1)(c) of FOIA 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."

Determination

The Town's use of the exemption in Section 7(1)(c) with regard to a date of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 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. As such, the Town may issue a partial denial letter directly to the requester and release the records with the appropriate information redacted if it has not already done so.

If you have any questions, 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: Lexis Nexis (Anonymous)
P.O. Box 7000
Southeastern, PA 19398

11691 preauth al 71c dob mun