



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

January 12, 2011

Nicole Both  
Freedom of Information Officer  
Metra  
547 W. Jackson Blvd.  
Chicago, IL 60661

RE: Pre-Authorization Request — 2011 PAC 11669

Dear Ms. Both:

We have received and reviewed the written notice from Metra 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.

Beatriz Ulloa-Mireles of the Will County Coroner's Office submitted a FOIA request dated January 3, 2010, seeking police report number 10-033270. In its written notice, Metra asserted that dates of birth are exempt from disclosure under Section 7(1)(c) of FOIA.

**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." 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."

Metra's use of the exemption in Section 7(1)(c) with regard to dates 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). 5 ILCS 140/7(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, Metra may issue a partial denial letter directly to the requester and release the records with the appropriate information redacted.

January 12, 2011  
Page 2

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:

*Amalia Rioja by AA*

Amalia Rioja  
Chief Deputy Public Access Counselor

cc: Beatriz Ulloa-Mireles  
Will County Coroner's Office  
57 N. Ottawa St., Suite 412  
Joliet, IL 60432

*11669 preauth at 71c dob pd*