



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 14, 2011

Colleen O'Brien
Freedom of Information Officer
City of Harvard
201 W Front Street
Rockford, IL 60033

RE: Pre-Authorization Request - 2011-PAC 11728

Dear Ms. O'Brien:

We have received and reviewed the written notice from the City of Harvard 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 December 29, 2010, Dennis Steeves of the American Law Firm submitted a FOIA request seeking police report No. 83-339. In its written notice, the City asserted that dates of birth are exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)), 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 City's use of the exemption in Section 7(1)(c) with regard to a date of birth is approved. 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 City may issue a partial denial letter directly to the requestor 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:

 BY: KK

Matt Rogina
Assistant Public Access Counselor

cc: Mr. Dennis Steeves
American Law Firm
475 Executive Parkway
Rockford, IL 61107

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