



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 12, 2011

Colleen O'Brien
Records Clerk
FOIA Officer
Harvard Police Department
P.O. Box 310
Harvard, IL 60033

RE: Pre-Authorization Request – 2011 PAC 11757
Requester: [REDACTED]

Dear Ms. O'Brien:

We have received and reviewed the written notice from the Harvard Police Department 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 140/1 *et seq.*, as amended.

On December 27, 2010, [REDACTED] requested police report number 3010000999. In its written notice dated December 30, 2010, the Department asserted that the date of birth included in that reports is 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.” 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.*

The Department’s use of the exemption in section 7(1)(c) with regard to the 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 information is highly personal, and the subject’s right to privacy outweighs any legitimate public interest in disclosing this information.

Accordingly, the Department should issue a partial denial letter directly to [REDACTED] and release the report to her 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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