



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 14, 2011

Sharon Samuels
FOIA Officer
Winfield Police Department
27 W 465 Jewell Road
Winfield, IL 60190

RE: Pre-Authorization Request – 2011 PAC 11836
Requester: [REDACTED]

Dear Ms. Samuels:

We have received and reviewed the written notice from the Winfield 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 January 5, 2011, [REDACTED] requested police report number WF 1012050115. In its written notice dated January 11, the Department asserted that the date of birth included in that report 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 Mr. Nissen and release the report to him 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:



Sarah Kaplan
Assistant Public Access Counselor

cc:

