



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

January 14, 2011

Frankfort Police Department  
Beverly Glass, FOIA Officer  
20602 Lincolnway Lane  
Frankfort, IL 60423-1492

Re: Pre-authorization request – 2010 PAC 11850

Dear Ms. Glass

We have received the Frankfort Police Department's notice of intention to deny disclosure of certain information requested under the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended. [REDACTED] requested a copy of Report No 11-0035. The Department asserted that birth dates of individuals listed in the report are exempt from disclosure under Section 7(1)(c) (5 ILCS 140/7(1)(c)).

Information in public records is exempt if disclosure would "constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). An "[u]nwarranted invasion of personal privacy" is 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.*

**Determination**

The Department's request for pre-approval to redact birth dates pursuant to Section 7(1)(c) is **approved**. Birth dates are a highly personal form of information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. A subject's right to privacy outweighs any legitimate public interest in the disclosure of his or her date of birth.

The Department has asserted that additional information in the report is exempt from disclosure pursuant to Section 7(1)(d)(iv) (5 ILCS 140/7(1)(d)(iv)). Because advance approval by the Public Access Counselor is not required for the assertions of exemptions other than Section 7(1)(c) and Section 7(1)(f) (5 ILCS 140/7(1)(f)), we make no determination at this time regarding any other exemptions.

This letter shall serve to close this file. If you have any questions, please feel free to contact me at (312) 814-6756 or [ssilverman@atg.state.il.us](mailto:ssilverman@atg.state.il.us).

Sincerely,

Cara Smith  
Public Access Counselor

By:

A solid black rectangular redaction box covering the signature of Steve Silverman.

Steve Silverman  
Assistant Public Access Counselor

cc:

A solid black rectangular redaction box covering the name of the recipient.