



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 25, 2011

Heather Kruse
City of Des Plaines
1420 Miner Street
Des Plaines, IL 60016-4498

RE: Pre-Authorization Request – 2010 PAC 11891

Dear Ms. Kruse:

We have received and reviewed the written notice from the City of Des Plaines (City) of its intention to deny certain information as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended (FOIA). The City is seeking to redact dates of birth from the requested documents.

Apollo Casualty Company submitted a FOIA request for police report # [REDACTED]. In its written notice, the City asserted that the dates of birth are exempt from disclosure under Section 7(1)(c) of FOIA.

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.*

Determination

The City’s use of the exemption in Section 7(1)(c) with regard to the dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy. 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.

Accordingly, the City may issue a partial denial letter and release the reports with the dates of birth redacted, if it has not already done so.

If you have any questions, please feel free to contact Tammy Friedewald at (217) 558-1926. This correspondence shall serve to close this matter.

Sincerely,

Amalia Rioja
Acting Public Access Counselor

By: *Amanda Lundeen*

Amanda M. Lundeen
Assistant Public Access Counselor

cc: Apollo Casualty Company
1001 E. Touhy, Suite 200
Des Plaines, IL 60018

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