



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

January 21, 2011

Heather Kruse  
Freedom of Information Officer  
City of Des Plaines  
1420 Miner Street  
Des Plaines, IL 60016

RE: Pre-Authorization Request — 2011 PAC 11892

Dear Ms. Kruse:

We have received and reviewed the written notice from the City of Des Plaines 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, Dorothy Podeszwa, on behalf of Delphi Casualty Company, submitted a FOIA request seeking police incident report number 10-42644. 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:

*Matthew C. Rogina by: MC*

Matthew C. Rogina  
Assistant Public Access Counselor

cc: Ms. Dorothy Podeszwa  
Delphi Casualty Company  
P.O. Box 5090  
Des Plaines, IL 60017

*11892 preauth at 71c dob mun*