



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

February 3, 2011

Ms. Kate Rassmussen  
Freedom of Information Officer  
Kendall County Sheriff's Department  
1102 Cornell Lane  
Yorkville, IL 60560-9597

RE: Pre-Authorization Request — 2011 PAC 12094

Dear Ms. Rassmussen:

We have received and reviewed the written notice from the Kendall County Sheriff's Office (KCSO) 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 January 24, 2011, [REDACTED] submitted a FOIA request seeking police incident report number 10-2907, 10-2997, 10-3161, 10-3892, and 10-4081. In its written notice, KCSO 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**

KCSO'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, KCSO may issue a partial denial letter directly to [REDACTED] 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,



Matthew C. Rogina  
Assistant Public Access Counselor

cc:



*12094 preauth at 71c dob pd*