



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

February 17, 2011

Ms. Wendellyn J. Briggs  
Freedom of Information Officer  
Town of Normal  
100 East Phoenix Avenue  
Normal, IL 61761-0589

RE: Pre-Authorization Request — 2011 PAC 12209

Dear Ms. Briggs:

We have received and reviewed the written notice from the Town of Normal 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, Ken Busch, on behalf of Progressive, submitted a FOIA request seeking police report number 1479. In its written notice, the Town 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 Town'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 Town may issue a partial denial letter directly to Mr. Busch 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: Progressive  
Mr. Ken Busch  
4114 N. Water Tower Place #C  
Mt. Vernon, IL 62864

*12209 preauth al 71c dob mun*