



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 15, 2011

Heather Kruse
Staff Attorney
City of Des Plaines
City Manager's Office
Legal Division
1420 Miner Street
Des Plaines, Illinois 60016

RE: Pre-Authorization Request - 2010 PAC 12250

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.

Jose Chacko from the Illinois Department of Children and Family Services submitted a FOIA request dated January 28, 2011, seeking a copy of Police Report #10-40289. In its written notice, the City asserted that dates of birth are exempt from disclosure under Section 7(1)(c) (5 ILCS 140/7(1)(c)).

Determination

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." *Id.* 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.*

The City's use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 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 requester and release the records with the appropriate information redacted.

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If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Amalia Rioja by EK

Amalia Rioja
Acting Public Access Counselor

cc: Jose Chacko
Child Protection Investigator
Illinois Department of Children and Family Services
8140 N. McCormick
Skokie, Illinois 60076-2920

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