



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

February 16, 2011

Wendelbyn J. Briggs  
City Clerk/Freedom of Information Officer  
100 E. Phoenix Avenue  
P.O. Box 589  
Normal, IL 61761-0589

RE: Pre-Authorization Request – 2011 PAC 12257

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.

LexisNexis submitted a FOIA request dated January 24, 2011, seeking a copy of Report Number 2011-63. This is in connection with Claim #13- E012-534. In its written notice, the Town 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 Town'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

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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 the requester and release the report with the appropriate information redacted.

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: LexisNexis  
P.O. Box 7000  
Southeastern, Pennsylvania 19398

*12257 pre-auth al 71c dob pd*