



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 24, 2011

Wendellyn Briggs
City Clerk/Freedom of Information Officer
Town of Normal
100 East Phoenix Ave
P.O. Box 589
Normal, IL 61761-0589

RE: Pre-Authorization Request – 2011 PAC 12461
Requester: LexisNexis, 344959941

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 as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c).

On February 10, 2011, LexisNexis requested police records relating to case A10-1337. In its written notice dated February 16, 2011, the Town asserted that the dates of birth included in the report are exempt from disclosure under Section 7(1)(c) of FOIA.

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 the disclosure is consented to in writing by the individual subjects of the information.” 5 ILCS 140/7(1)(c). 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 the 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). 5 ILCS 140/7(1)(c). This information is highly personal, and the subject’s right to privacy outweighs any legitimate public interest in disclosing this information.

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Accordingly, the Town should issue a partial denial letter directly to LexisNexis and release the report to LexisNexis with the appropriate information redacted.

If you have any questions, please feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,



Sarah Kaplan
Assistant Public Access Counselor

cc: LexisNexis
P.O. Box 7000
Southeastern, PA 19398

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