



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 2, 2011

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

RE: Pre-Authorization Request – 2010 PAC 12586

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.

G. Kimball MacCloskey of The Law Office of Kim MacCloskey and Associates, LLP submitted a FOIA request dated February 17, 2011, seeking a copy of the Illinois Traffic Crash Report described in his letter. 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 the 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

March 2, 2011

Page 2

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,

Sarah Kaplan BYEK

Sarah Kaplan
Assistant Public Access Counselor

cc: G. Kimball MacCloskey
The Law Office of Kim MacCloskey and Associates, LLP
202 West State Street, Suite 1000
Rockford, Illinois 61101

12586 pre-auth at 71c dob pd