# OFFICE OF THE ATTORNEY GENERAL
## STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 4, 2011

Ms. Heather Kruse
Freedom of Information Officer
City of Des Plaines
1420 Miner Street
Des Plaines, IL 60016

RE:    Pre-Authorization Request – 2011 PAC 12625

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.

On February 22, 2011, Dorothy Podeszwa, of Delphi Casualty Company, submitted a FOIA request seeking a copy of police incident report number 1104078. In its written notice, the City 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 City's use of the exemption in Section 7(1)(c) with regard to dates of birth is <u>approved</u>. 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 requestor.

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* BY: KK

Matthew C. Rogina
Assistant Public Access Counselor


cc:    Ms. Dorothy Podeszwa
       Delphi Casualty Company
       P.O. Box 5090
       Des Plaines, IL  60017


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