



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 7, 2011

Heather Kruse
Staff Attorney
City of Des Plaines
1420 Miner Street
Des Plaines, IL 60016

RE: Pre-Authorization Request — 2011 PAC 12626

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.

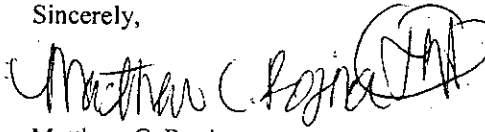
On February 8, 2011 Edward Vrdolyak of The Vrdolyak Law Group, LLC, submitted a FOIA request seeking a copy of the City's documents reflecting complaints and/or damage reports for falling debris from the rail crossing at Golf Rd. In its February 23, 2011 written notice to the Office of the Public Access Counselor, 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 a date of birth is approved. 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 and release the records with the appropriate information redacted if it has not already done so.

If you have any questions, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew C. Rogina". The signature is written in a cursive style and is enclosed within a circular scribble or stamp.

Matthew C. Rogina
Assistant Public Access Counselor

cc: Edward Vrdolyak
The Vrdolyak Law Group, LLC
9618 S. Commercial Ave
Chicago, IL 60617

12626 preauth at 71c dob mun