



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 23, 2011

Officer Jack Enter, No. 18532
Assistant Freedom of Information Officer
Chicago Police Department
3510 South Michigan Avenue
Chicago, Illinois 60653

RE: FOIA Pre-Authorization Request – 2011 PAC 14165

Dear Officer Enter:

We have received and reviewed the written notice from the Chicago Police Department of its intention to deny disclosure of certain information under section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010).

In a letter dated May 1, 2011, [REDACTED] requested all police reports relating to him dated from August 1, 2008, to December 10, 2010. The responsive documents include six (6) photographs which the Department seeks pre-authorization to withhold. The Department has informed us that these photographs contain graphic images of the body of the victim of a violent crime.

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." The exemption defines "unwarranted 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." 5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010.

DETERMINATION

Based on the Department's specific description of the photographs, the use of the exemption in section 7(1)(c) to withhold the six photographs is **approved**. The images in these

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photographs are highly personal, and the victim's family's right to privacy outweighs any legitimate public interest in obtaining these photographs. We conclude that the Department has sustained its initial burden of demonstrating that these photographs are exempt under section 7(1)(c).

Accordingly, the Department may issue a partial denial letter directly to the requester and release the non-exempt portions of the requested documents to him, if it has not already done so. If you have any questions, please contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Very truly yours,



SARAH KAPLAN
Assistant Attorney General
Public Access Bureau

cc:

