



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 6, 2011

Mr. Jeff Fronczak
Assistant to Special Legal Counsel
Office of the President
Cook County Board of Commissioners
69 West Washington Street, Ste. 3500
Chicago, Illinois 60602

RE: FOIA Pre-Authorization Request - 2011 PAC 14429

Dear Mr. Fronczak:

We have received and reviewed the written notice from the Cook County Medical Examiner's Office (County) of its intention to deny disclosure of certain information pursuant to section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010).

On April 14, 2011, Mr. Joseph Spitzzeri submitted a FOIA request for all autopsy photographs of [REDACTED]. In its written notice, the County asserts that the requested information is exempt from disclosure under section 7(1)(c) of FOIA because the photographs depict the body of the decedent post-mortem.

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."

DETERMINATION


The County's use of the exemption in section 7(1)(c) to withhold the autopsy photographs depicting the victim post-mortem is **approved**. Based on the County's representation, we conclude that release of these photographs would constitute a clearly

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unwarranted invasion of personal privacy. This type of information is highly personal by its very nature and its release would be objectionable to a reasonable person.¹ As a result, the County has met its initial burden of demonstrating that the photographs are exempt from disclosure under section 7(1)(c) of FOIA.

If you have any questions, please contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Very truly yours,


TOLA SOBITAN
Assistant Attorney General
Public Access Bureau

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cc: Mr. Joseph F. Spitzzeri
Johnson & Bell, Ltd
33 West Monroe Street, Ste. 2700
Chicago, IL 60603

¹See Ill. Att'y Gen. Pub. Acc. Op. No. 10-003, issued October 22, 2010, <<http://foia.ilattorneygeneral.net/2010binding.aspx>>.