



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 16, 2011

Ms. Janet Traven
Freedom of Information Officer
City of Joliet
150 W. Jefferson Street
Joliet, Illinois 60434

RE: FOIA Pre-Authorization Request – 2011 PAC 12732

Dear Ms. Traven:

We have received and reviewed the written notice from the City of Joliet 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). On February 2, 2011, [REDACTED] submitted a FOIA request to the City for all crime scene photographs related to a homicide referenced in police report No. 02-0112-000983. The Department seeks to withhold autopsy photographs and other post-mortem photographs that depict the victim at the crime scene.

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 City's use of the exemption in section 7(1)(c) to withhold the photographs in the police report is **approved**. The Attorney General has recognized that surviving family members "have a cognizable personal privacy interest in autopsy records relating to the death of a close relative, which interest must be considered" in determining whether such records are

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exempt from disclosure under section 7(1)(c). Ill. Att'y Gen. Pub. Acc. Op. No. 10-003, issued October 22, 2010, at 6. That interest may, in appropriate circumstances, extend to other post-mortem photographs related to the death of a close relative. Ill. Att'y Gen. PAC Pre-Auth al14025, issued May 13, 2011. Under section 7(1)(c), the privacy interests of surviving family members must be balanced against the legitimate public interest in obtaining the information.

After careful review of the autopsy photographs, we have determined that the privacy interests of surviving family members justify withholding the autopsy photographs. By their nature, autopsy photographs are "gruesome and graphic" and their disclosure would be highly objectionable to a reasonable person. Ill. Att'y Gen. Pub. Acc. Op. No. 10-003, issued October 22, 2010, at 7-10. Accordingly, we conclude that the City has met its initial burden of demonstrating that the autopsy photographs are exempt from disclosure under section 7(1)(c).

Further, with respect to post-mortem photographs of the victim at the scene of the crime, we have also determined that the privacy interests of surviving family members outweigh the public interest in obtaining copies of those photographs. The photographs vividly depict the victim's body and injuries; disclosure of such photographs would be highly objectionable to a reasonable person. Therefore, the City has met its initial burden of demonstrating that those post-mortem photographs are exempt from disclosure under section 7(1)(c).

If you have any questions, please contact me at (312) 814-6756. This correspondence shall serve to close this matter.

Very truly yours,

 NR

STEVE SILVERMAN
Assistant Attorney General
Public Access Bureau

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