



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 23, 2011

Officer Patrick Kelly
No. 19397
Chicago Police Department
Attention: Freedom of Information Officer
Records Inquiry Section, Unit 163
3510 S. Michigan Ave., Rm. 1027SE
Chicago, IL 60653

Re: FOIA Pre-Authorization Request – 2011 PAC 14876

Dear Officer Kelly:

We have received and reviewed the written notice from the Chicago Police Department (CPD) of its intention to deny certain photographs as exempt from disclosure 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). CPD is seeking to withhold photographs which depict the body of a deceased victim.

On May 20, 2011, [REDACTED] submitted a FOIA request to CPD seeking "any and all documents prepared in connection with case #99CR0973902[.]" In its written notice, CPD seeks this office's approval to withhold eight of the 68 photographs responsive to [REDACTED] request. CPD asserts that these photographs are of a sensitive nature and depict the body of the victim postmortem.

DETERMINATION

Section 7(1)(c) 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." 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.

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CPD's use of the section 7(1)(c) exemption with regard to the photographs is **approved**. The photographs in question are of a decedent's body. After reviewing the photos in question, this office has determined that the highly personal nature of these photographs outweighs any legitimate public interest in the disclosure of this information. Therefore, CPD has met its initial burden to withhold the photographs under section 7(1)(c). CPD should issue a partial denial letter directly to the Mr. Eruby in accordance with this letter.

If you have any questions, please contact our office at (877) 299-3642. This correspondence shall serve to close this matter.

Very truly yours,



REBECCA RIDDICK
Assistant Attorney General
Public Access Bureau

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cc:

