



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 7, 2011

Officer Patrick Kelly
Assistant Freedom of Information Officer
Chicago Police Department
3510 S. Michigan Ave.
Chicago, IL 60653

RE: FOIA Preauthorization Request- 2011 PAC 15144

Dear Officer Kelly:

We have received and reviewed the written notice from the Chicago Police Department of its intention to deny disclosure of certain information requested by [REDACTED] pursuant to section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c) (West 2010). [REDACTED] requested all reports and photographs related to RD# HL-643927. The Department seeks preauthorization to withhold three photographs depicting injuries to the victim.

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 2010).

DETERMINATION

The Department's use of the exemption in section 7(1)(c) to withhold the three photographs depicting the victim's injuries is **approved**. After carefully reviewing the materials submitted by the Department, we conclude that it has met its initial burden of demonstrating that the disclosure of these photographs would constitute a clearly unwarranted invasion of personal privacy. The information depicted in these photographs is highly personal and disclosure of this information would be highly objectionable to a reasonable person. Furthermore, the privacy rights of the subject of these photographs outweigh any legitimate public interest in obtaining

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access to them. Accordingly, the Department may issue a partial denial letter and release the other requested records in accordance with this letter, if it has not already done so.

If you have any questions, please contact me at 312-814-2770. This correspondence shall serve to close the matter.

Very truly yours,



JOHN SCHMIDT
Senior Assistant Attorney General
Public Access Bureau

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cc:

