



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 5, 2011

Via Electronic Mail

Mr. Jeff Fronczak
Assistant to Special Legal Counsel
Cook County Board of Commissioners
Jeff.fronczak@cookcountyil.gov

RE: FOIA Pre-Authorization Request - 2011 PAC 15227

Dear Mr. Fronczak:

We have received and reviewed the written notice from the Cook County Board of Commissioners (Board) of its intention to deny certain information as exempt from disclosure under section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c) (West 2010).

On June 12, 2011, [REDACTED] sought copies of post-mortem photographs of [REDACTED]. In its June 30, 2011, written notice to this office, the Board asserts that the photographs are exempt from disclosure under section 7(1)(c) of FOIA, which 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 Board's determination to withhold the post-mortem photographs of Mr. Sail is **approved**. This office has previously concluded that the disclosure of post-mortem photographs of an individual would constitute an invasion of privacy for that individual's family. Ill Att'y Gen. Pub. Acc. Op. No. 10-003; 2010 PAC 8890 and 9217 (issued October 22, 2010).

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Accordingly, this office finds that the Board has met its initial burden of demonstrating that the post-mortem photographs of [REDACTED] are exempt from disclosure under section 7(1)(c) of FOIA. This correspondence shall serve to close this matter.

Very truly yours,

[REDACTED]

MATTHEW C. ROGINA
Assistant Attorney General
Public Access Bureau

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cc: [REDACTED]