



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 8, 2011

Officer Patrick Kelly, #19397
Chicago Police Department
Attention: Freedom of Information Officer
Records Inquiry Section, Unit 163
3510 South Michigan Avenue, Rm. 1027SE
Chicago, Illinois 60653

Re: FOIA Pre-Authorization Request – 2011 PAC 15881

Dear Officer Kelly:

We have received and reviewed the written notice from the Chicago Police Department (CPD) of its intention to deny disclosure of certain photographs pursuant to section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2010)). CPD is seeking to withhold photographs depicting the body of a deceased victim.

On May 31, 2011, [REDACTED] submitted a FOIA request to CPD seeking all photographs related to RD# D-223169. In its written notice, CPD sought approval to withhold two of the 52 photographs responsive to [REDACTED] request. CPD asserted that the two photographs are sensitive and display the body of the victim.

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 2010).

CPD's assertion of the section 7(1)(c) exemption with regard to the photographs is **approved**. Based on our review, we have determined that the highly personal nature of these photographs outweighs any legitimate public interest in their disclosure. Therefore, CPD has

Officer Patrick Kelly
August 8, 2011
Page 2

met its initial burden of demonstrating that the photographs are exempt from disclosure under section 7(1)(c) of FOIA. CPD should issue a partial denial letter directly to [REDACTED] in accordance with this letter, if it has not already done so.

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

Very truly yours,

[REDACTED]

REBECCA RIDDICK
Assistant Attorney General
Public Access Bureau

15881 pre-auth al 71c vic priv pd

cc:

[REDACTED]