



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 28, 2011

Officer Patrick Kelly, #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 14467

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 2010)). CPD is seeking to withhold photographs which contain the body of a deceased victim.

On April 26, 2011, [REDACTED] submitted a FOIA request to CPD seeking a copy of the homicide file and photographs related to [REDACTED] who was found murdered at O'Hare Airport on July 12, 1976. In its written notice, CPD seeks our office's approval to withhold three of the eight photographs responsive to Mr. Dark's request. CPD asserts that three photographs are of a sensitive nature and contain 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).

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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, our 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 FOIA requester 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:

