



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

May 12, 2010

Nicole Wickham  
Records Division  
Aurora Police Department  
1200 East Indian Trail Road  
Aurora, Illinois 60506-1896

RE: Pre-Authorization Request - 2010 PAC 7217

Dear Ms. Wickham:

We have received and reviewed the written notice from the Aurora Police Department (Department) of its intention to deny certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA). The Department is seeking to deny disclosure of specific crime scene photographs.

██████████ submitted a FOIA request on April 20, 2010 seeking standard practices regarding crime scene investigations involving domestic issues, any crime scene photographs that may have been taken in reference to Report #2007-010148, and the officers involved in transporting ██████████ in reference to Report ##2007-010148. In its written notice, the Department asserted that specific crime scene photographs "constitute a clearly unwarranted invasion of privacy for the person the information pertains to" and are exempt from disclosure under Section 7(1)(c) of FOIA.

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 disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). The exemption defines "[u]nwarranted 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." *Id.*

**Determinations**

The Department's use of the Section 7(1)(c) exemption with regard to the crime scene photographs is approved. The photographs of the victim described by the Department are highly personal and the victim's right to privacy with respect to these photographs outweighs any

legitimate public interest in obtaining the information. Thus, disclosure of these photographs would constitute a clearly unwarranted invasion of personal privacy to the victim and are therefore exempt from disclosure under Section 7(1)(c).

Accordingly, the Department's issuance of a partial denial letter and the release the records with the crime scene photographs redacted was appropriate. This correspondence shall serve to close this matter.

If you have any questions, please feel free to contact me at (312) 814-1003.

Sincerely,

Cara Smith  
Public Access Counselor

By:



Jessica O'Leary  
Assistant Attorney General

cc:

