



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

March 16, 2011

Ms. Jaclyn Banister
FOIA Officer
University of Illinois
Public Affairs
jaclynb@illinois.edu

RE: FOIA Pre-approval Request– 2010 PAC 10332

Dear Ms. Banister:

We have received from the University of Illinois a written notice of its intention to assert the Section 7(1)(c) exemption (5 ILCS 140/7(1)(c)) in response to a Freedom of Information Act (FOIA) request submitted by [REDACTED] request sought records pertaining to a police report concerning the death of [REDACTED]. The University has indicated that it intends to withhold post-mortem photographs responsive to this request, pursuant to Section 7(1)(c).

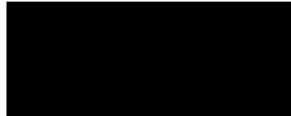
Section 7(1)(c) of the Freedom of Information Act permits a public body to withhold “[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” That provision further defines an “unwarranted invasion of personal 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.” It also provides that “[t]he disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.”

Determination

The University seeks to withhold certain post-mortem photographs of the deceased. We have previously determined that graphic photographs of a decedent are properly subject to withholding under Section 7(1)(c) of FOIA. *See* Public Access Opinion 10-003, issued October

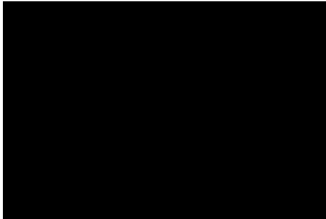
22, 2010.¹ Likewise, in this case, we have determined that the University has met its initial burden of demonstrating that these photographs are exempt under Section 7(1)(c).

If you have any questions, please feel free to contact me at (217) 782-9078. This letter shall serve to close this file.



Matthew M. Sebek
Assistant Public Access Counselor

cc:



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¹Available at: <http://foia.ilattorneygeneral.net/pdf/opinions/2010/2010-003.pdf>