



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 29, 2010

Ms. Heather Allen
FOIA Officer
City of Moline
1616 Sixth Avenue
Moline, Illinois 61265

RE: Pre-Authorization Request – 2010 PAC 8543

Dear Ms. Allen:

We have received and reviewed the written notice from the City of Moline (City) of its intention to deny disclosure of accident reconstruction photographs depicting a deceased pedestrian pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c).

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.*

Determination

The City's use of the exemption in Section 7(1)(c) with regard to the photographs in question is **approved**. These specific photographs are records that are highly personal, the release of which would be objectionable to reasonable persons. Moreover, the surviving family's right to privacy with respect to these photographs outweighs any legitimate public interest in obtaining them. Accordingly, disclosure of these specific photographs would constitute a clearly unwarranted invasion of personal privacy to the family of the deceased.

Should you have questions or concerns, please feel free to contact me at (312) 793-0865.

Sincerely,

Cara Smith
Public Access Counselor

By 

Sara Gadola Gallagher
Deputy Public Access Counselor

cc: Ms. Lisa Stichter
State Farm Insurance
2016 52nd Avenue
Moline, Illinois 61265