



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 22, 2011

Sandra Alfred
Freedom of Information Officer
City of Chicago
Department of Animal Care and Control
2741 S Western Ave.
Chicago, IL 60608

RE: Pre-Authorization Request — 2010 PAC 10047

Dear Ms. Alfred:

We have received and reviewed the written notice from the City of Chicago Department of Animal Care and Control of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

Anna Morrison-Ricordati of AMR Law Group, LLC submitted a FOIA request dated September 22, 2010, seeking records involving a particular dog. In its written notice, the Department asserted that graphic photographs of a victim's injuries are exempt from disclosure under Section 7(1)(c) of FOIA.

Determination

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 the 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.*

The Department's use of the exemption in Section 7(1)(c) with regard to the graphic photographs in which the victim's injuries are uncovered is approved. We have determined that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). This information is highly personal, and the subject's right to privacy outweighs any legitimate public interest in obtaining this information. Therefore, the

March 22, 2011

Page 2

Department has met its initial burden of demonstrating that the redacted information is exempt under Section 7(1)(c). However, the Department's use of the exemption in Section 7(1)(c) with regard to the photographs in which the victim's injuries are bandaged is denied. We have determined that the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). As such, the Department may issue a partial denial letter directly to the requester and release the records with the appropriate information redacted.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Rebecca Riddick by: AA

Rebecca Riddick
Assistant Public Access Counselor

cc: Anna Morrison-Ricordati
AMR Law Group, LLC
111 W Washington St., Ste 1760
Chicago, IL 60602