



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 22, 2011

P.O. Kelly
Freedom of Information Act Officer
Chicago Police Department
Records Inquiry Section, Unit 163
3510 S. Michigan Ave., Rm. 1027SE
Chicago, IL 60653

RE: Pre-Authorization Request - 2011-PAC-12957

Dear Officer Kelly:

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

On February 25, 2011, [REDACTED] submitted a FOIA request seeking a copy of the homicide file and crime scene photos for [REDACTED] R.D. #P-078-994. In its March 9, 2011 written notice to the Office of the Public Access Counselor, the CPD asserted that 14 of the 18 photographs in the record contain images of the victim and as such, those photographs are exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) which makes exempt 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." 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 CPD's use of the exemption in Section 7(1)(c) with regard to the images of the victim in requested reports is approved.

The CPD states that they have not received a written release from the family of the victim. As a result, disclosure of this information could be considered highly personal or objectionable to the reasonable person. Additionally, there exists no legitimate interest in disclosure of the images.

Accordingly, the CPD has met its initial burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

If you have any questions, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,



Matthew C. Rogina
Assistant Public Access Counselor

cc:



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