



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 22, 2010

Officer Rory O'Brien
FOIA Officer
Records Inquiry Section, Unit 163
Chicago Police Department
3510 South Michigan Avenue, Room 1027
Chicago, Illinois 60653

RE: Pre-Authorization Request – 2010 PAC 7854

Dear Officer O'Brien:

We have received and reviewed the written notice from the Chicago Police Department (Department) of its intention to deny disclosure of graphic photographs of the body of a homicide victim as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1(c). The Department's written notice relates to a FOIA request submitted by [REDACTED] for records related to the death of [REDACTED]

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. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy." *Id.*

Determinations

The Department's use of the exemption in Section 7(1)(c) with regard to the photographs is **approved**. The photographs in question are graphic depictions of a homicide victim's body from various angles. Based on the specific facts presented here, we find that the highly personal nature of these photographs outweighs any legitimate public interest in the disclosure of this information.

Should you have questions or concerns, please feel free to contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Sara Gadola Gallagher
Deputy Public Access Counselor

cc:

