



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 25, 2011

P.O. Kelly #19397
Assistant Freedom of Information Officer
Chicago Police Department
3510 S. Michigan Ave.
Chicago, Illinois

RE: Pre-Authorization Request — 2011 PAC 12913

Dear Officer Kelly:

We have received and reviewed the written notice from the Chicago Police Department 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.

Lawrence B. Finn of The Finn Law Firm submitted a FOIA request dated March 2, 2011, seeking records related to CPD Incident #1035602038. In its written notice, the CPD asserted that three photographs of the decedent 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 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 CPD's use of the exemption in Section 7(1)(c) with regard to the three withheld photographs is approved. We have determined that the disclosure of these photographs would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. Therefore, the CPD has met its initial burden demonstrating that the photographs are exempt from disclosure under Section 7(1)(c). As such, the CPD may issue a partial denial letter directly to the requester.

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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: Lawrence B. Finn
The Finn Law Firm
30 N. LaSalle St., Suite 3000
Chicago, IL 60602

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