



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

April 1, 2011

Nicole Wickham
Aurora Police Department
1200 E. Indian Trail Rd.
Aurora, IL 60505

Re: Pre-Authorization Request – 2011 PAC 13226
FOIA Requester: [REDACTED]

Dear Ms. Wickham:

We have received and reviewed the written notice from the Aurora Police Department of its intention to withhold autopsy photos as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

On January 17, 2011, [REDACTED] submitted a FOIA request to the Department seeking copies of police reports 99-000662, 99-000272, and 99-000620. On January 25, 2011, the Department partially denied his request asserting that the withheld materials were exempt from disclosure under Sections 7(1)(a), 7(1)(d)(iv), and 7(1)(d)(v) of FOIA. [REDACTED] sought review of the denial and on March 22, 2011, our office determined that certain redactions taken by the Department exceeded the scope of the asserted exemptions.

On March 28, 2011, the Department sought our office's approval to withhold autopsy photographs contained within the requested records under the Section 7(1)(c) exemption. It argued that the withheld photographs contain "graphic content of the deceased's body during an autopsy." In accordance with our March 22 letter, the Department has released the other documents that it originally withheld.

Determination

Section 7(1)(c) 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". The exemption defines "unwarranted 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 Department's use of the Section 7(1)(c) exemption with regard to the autopsy photographs is **approved**. The photographs in question are of the deceased's body during the autopsy process. Based on the information provided to us, our office has determined that the highly personal nature of these photographs outweighs any legitimate public interest in the disclosure of this information. Therefore, the Department has met its initial burden to withhold the photographs under Section 7(1)(c).

13226 pre-auth al 71c vic priv pd

As such, the Department should issue a partial denial letter directly to the FOIA requester in accordance with this letter. Should you have questions or concerns, please feel free to contact our office at 1-877-299-3642. This correspondence shall serve to close this matter.

Sincerely,



Rebecca Riddick
Assistant Public Access Counselor

cc:

