



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

Lisa Madigan
ATTORNEY GENERAL

October 12, 2010

P.O. Rory P. O'Brien #7818
Assistant Freedom of Information Officer
Department of Police Record Services Division
Department of Police
City of Chicago
3510 S. Michigan Ave.
Chicago, IL 60653

RE: Pre-Authorization Request — 2010 PAC 9774

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 certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

Thelma Sardin of the Chicago Citizen Newspaper Group, Inc., submitted a FOIA request on September 13, 2010, seeking photographs of 36 individuals who were the victims of homicide in Chicago. In its written notice, the Department asserted that the requested photographs of the homicide victims are exempt from disclosure under Section 7(1)(c) of FOIA.

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 Department's use of the exemption in Section 7(1)(c) with regard to the requested 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

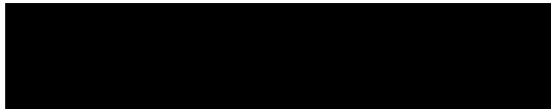
140/7(1)(c). As we concluded in 2010 PAC 5068 and 2010 PAC 6143, graphic photographs of bodies postmortem are highly personal and their disclosure would be objectionable to a reasonable person. The privacy interests of the victims' families in such photographs outweigh any public interest in access to these photographs.

If you have any questions, please feel free to contact me at (312) 814-5206. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Amani Kioja
Chief Deputy Public Access Counselor

cc: Thelma Sardin
The Chicago Citizen Newspaper Group, Inc.
thelmasardin@aol.com

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