



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

April 19, 2011

Police Officer Kelly #19397  
Freedom of Information Officer  
Chicago Police Department  
Records Inquiry Section, Unit 163  
3510 S. Michigan Ave., Room 1027SE  
Chicago, IL 60653

RE: Pre-Authorization Request — 2011 PAC 13454  
Requester: Rosendo Hernandez

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.

██████████ submitted a FOIA request dated March 14, 2011, seeking all reports and photographs related to RD# B-394733. In its written notice, the Department asserted that eight of the responsive photographs, which depict the body of a deceased individual, are exempt from disclosure under Section 7(1)(c) (5 ILCS 140/7(1)(c)).

**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 the disclosure is consented to in writing by the individual subjects of the information." *Id.* 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 eight 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). The images in these photographs are highly personal to the family of the deceased, and the family's right to privacy outweighs any legitimate public interest in obtaining these photographs. There is no evidence to

Chicago Police Department  
April 19, 2011  
Page 2

indicate that the requester is part of the family of the deceased or has the family's permission to obtain these photographs. Therefore, the Department has met its initial burden of demonstrating that the photographs are exempt under Section 7(1)(c).

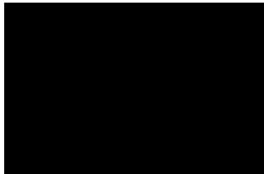
As such, the Department may issue a partial denial letter directly to the requester and release the non-exempt parts of the report. If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

*Sarah Kaplan by EK*

Sarah Kaplan  
Assistant Public Access Counselor

cc:



*13454 preauth at 71c priv pd*