



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 27, 2010

Heather Allen, FOIA Officer
City of Moline
1616 6th Avenue
Moline, Illinois 61265

RE: Pre-Authorization Request – 2010 PAC 9406

Dear Ms. Allen:

On September 2, 2010 we received written notice from the City of Moline (City) of its intention to deny certain records as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended (FOIA). On September 21, 2010 you provided us with redacted and unredacted copies of documents and photographs responsive to a FOIA request made by [REDACTED] on August 27, 2010, in which he sought a copy of case #2010-6010. In your notice, you asserted that medical information pertaining to [REDACTED] mother, [REDACTED] as well as photographs taken following her death, were exempt from disclosure under Section 7(1)(c) as an unwarranted invasion of personal privacy.

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.*

Determination

The City's proposed use of the personal privacy exemption found in Section 7(1)(c) of FOIA to deny medical information pertaining to [REDACTED] and photographs of her following her death is denied. Upon a person's death, the right to privacy, regarding information pertaining to that individual, exists with the individual's family. As [REDACTED] son has requested the information in this instance, the City has failed to meet its burden to demonstrate that disclosure to [REDACTED] would constitute an unwarranted invasion of personal privacy.