



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 3, 2011

Ms. Nicole Both
Freedom of Information Officer
nboth@meterarr.com

Re: Pre-Authorization Request – 2011 PAC 13830
FOIA Requester: Mr. Mark Tompkins – Briskman, Briskman & Greenberg

Dear Ms. Both:

We have received and reviewed the written notice from Metra of its intention to withhold certain photos pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010).

On April 19, 2011, Mr. Mark Tompkins of Briskman, Briskman, & Greenberg submitted a FOIA request to Metra seeking a copy of police report 11-016949. On April 26, 2011, Metra sought our office's approval to withhold photographs of a decedent contained within the requested records under the Section 7(1)(c) exemption. It argued that the withheld photographs contain "graphic images of a dead body" and that the release of these images would be an "unwarranted invasion of personal privacy."

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."

Metra's use of the Section 7(1)(c) exemption with regard to the photographs is **approved**. The photographs in question are of a decedent's body after it was struck by a Metra train. 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, Metra has met its initial burden to withhold the photographs under Section 7(1)(c). As such, Metra should issue a partial denial letter directly to the FOIA requester in accordance with this letter.

13830 pre-auth al 71c vic priv reg auth

Should you have questions, please contact our office at 1-877-299-3642. This correspondence shall serve to close this matter.

Very truly yours,

A solid black rectangular redaction box covering the signature of Rebecca Riddick.

REBECCA RIDDICK
Assistant Attorney General
Public Access Bureau

cc: Mr. March Tompkins
Briskman, Briskman & Greenberg
351 W. Hubbard St.
Suite 6810
Chicago, IL 60654