



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 13, 2011

Police Officer Christopher Bove, #8230
Assistant Freedom of Information Officer
Chicago Police Department
Record Service Division
3510 S. Michigan Avenue
Chicago, Illinois 60653

RE: FOIA Pre-Authorization Request - 2011 PAC 13978

Dear Police Officer Bove:

We have received and reviewed the written notice from the City of Chicago Police Department (CPD) of its intention to deny disclosure of certain information pursuant to section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010).

On April 14, 2011, [REDACTED] submitted a FOIA request for all photographs pertaining to police report number HH-314072. In its written notice, CPD asserts that certain postmortem photographs of the victim 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 the disclosure is consented to in writing by the individual subjects of the information." 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." 5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010.

DETERMINATION

CPD's use of the exemption in section 7(1)(c) to withhold postmortem photographs of the victim is **approved**. We have determined that release of the photographs

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would constitute a clearly unwarranted invasion of personal privacy.¹ This type of information is highly personal by its very nature and its release would be objectionable to a reasonable person. Accordingly, CPD has met its initial burden of demonstrating that these photographs are exempt from disclosure under section 7(1)(c) of FOIA.

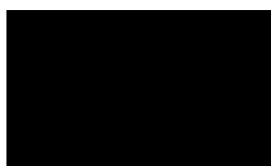
If you have any questions, please contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Very truly yours,



TOLA SOBITAN
Assistant Attorney General
Public Access Bureau

cc:



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¹See Ill. Att'y Gen. Pub. Acc. Op. No. 10-003, issued October 22, 2010, <<http://foia.ilattorneygeneral.net/2010binding.aspx>>.