



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 16, 2010

Janet K. Traven
City Clerk
City of Joliet
150 W. Jefferson Street
Joliet, Illinois 60432

RE: Pre-Authorization Request – 2010 PAC 10592

Dear Ms. Traven:

We have received and reviewed the written notice from the City of Joliet (City) of its intention to deny certain information contained within an incident report as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA).

On October 25, 2010, Mr. Paul Karnezis submitted a FOIA request to the City seeking a copy of the traffic crash report, supplements/reconstruction reports and photos associated with Police Report No. 10-0917019298. In its written notice, the City asserts that certain photographs, containing images of the victim's body, are exempt from disclosure under Section 7(1)(c) of FOIA (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." *Id.* 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." *Id.*

The City's use of the Section 7(1)(c) exemption with regards to the postmortem photographs of the victim is **approved**. We have determined that release of this information would constitute a clearly

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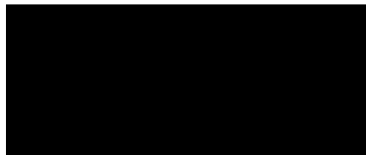
unwarranted invasion of personal privacy.¹ This type of information is highly personal by its very nature and its' release would be objectionable to a reasonable person. Accordingly, the City has met its initial burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

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

Sincerely,

Cara Smith
Public Access Counselor

By:



Tola Sobitan
Assistant Public Access Counselor

cc: Paul Karnezis
American Claims Services, Ltd
9757 S. Kedzie Ave
Evergreen Park, IL 60805

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¹ See Public Access Opinion 10-003 (October 22, 2010), Freedom of Information Act: Autopsy Reports.
<http://foia.ilattorneygeneral.net/2010binding.aspx>