



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 21, 2010

Mary Baudino
Chief Administrative Director
Will County Coroner's Office
57 N. Ottawa St., Suite 412
Joliet, IL 60432

RE: FOIA Request for Pre-Authorization – 2010 PAC 10126
Requester: [REDACTED]

Dear Ms. Baudino:

We have reviewed the written notice from the Will County Coroner's Office of its intention to deny disclosure of certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c). On October 8, 2010, [REDACTED] requested copies of the autopsy report and toxicology report on [REDACTED]. On October 14, 2010, this Office received the Coroner's updated notice of its intention to deny that request, in which the Coroner asserts that the requested records are exempt in their entirety under Section 7(1)(c) of FOIA. In response to our request for additional information, the Coroner provided us with copies of the reports, which we received on December 3, 2010.

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." 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.*

Determinations

The Coroner's use of the exemption in Section 7(1)(c) to withhold these reports in their entirety is denied. While the surviving family member of the deceased has a right to privacy in the contents of the toxicology report, that right to privacy does not outweigh the public interest in obtaining the information in this instance. [REDACTED] was severely injured in a car crash allegedly caused by the deceased, and the toxicology report contains information relevant to the

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deceased's possible culpability in this matter. The public has a strong interest in obtaining this type of information because it relates to a grave public hazard.

We have determined that most of the information in the Report of the Coroner's Forensic Pathologist and the Report of Postmortem Examination is not highly personal. Therefore, release of most of the information in these reports would not constitute a clearly unwarranted invasion of personal privacy, and thus the Coroner may not deny these reports in their entirety.

Accordingly, the Coroner should release the toxicology report and the Report of the Coroner's Forensic Pathologist to [REDACTED]. If the Coroner wishes to redact any specific information that the Coroner considers highly personal from the Report of Postmortem Examination, the Coroner may submit another pre-authorization request to this Office with specific redactions proposed.

Should you have questions or concerns, feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

[REDACTED]
Sarah Kaplan
Assistant Public Access Counselor

cc: [REDACTED]

10126 preauth dl 71c med inf county