



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 20, 2010

Rosalee Dodson
Assistant Corporation Counsel
City of Bloomington
109 E. Olive Street
P.O. Box 3157
Bloomington, Illinois 61702-3157

Re: Pre-Authorization Request – 2010 PAC 11298

Dear Ms. Dodson:

We have received and reviewed the written notice from the City of Bloomington (City) of its intention to deny certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

Allen DeVary of Hartweg, Turner & Wood, P.C. submitted a FOIA request to the City dated November 23, 2010, seeking "...a copy of any and all accident reconstruction reports prepared by [the Bloomington Police Department] in relation to an accident involving [REDACTED] deceased, date of birth June 21, 1981. The accident occurred on August 21, 2010. The traffic report number is 2010-1450."

In its written notice, the City advised that the responsive documents include "several graphic photographs depicting [REDACTED] at the scene of the accident." The City asserted that disclosure of these photographs would constitute an unwarranted invasion of personal privacy and are thus 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 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 application of the exemption found in Section 7(1)(c) of FOIA to deny disclosure of accident scene photographs of a deceased individual is approved. We have determined that disclosure of these photographs would be objectionable to a reasonable person and would constitute an unwarranted invasion of personal privacy. The victim's family's right to privacy outweighs any legitimate public interest in obtaining the information. Therefore, the City has met its initial burden of demonstrating that the photographs are exempt from disclosure under Section 7(1)(c) of FOIA.


Accordingly, the City may issue a partial denial letter denying disclosure of the responsive photographs.

If you have any questions, please feel free to contact me at (312) 814-1003 or joleary@atg.state.il.us.

Sincerely,

Cara Smith
Public Access Counselor

By:


Jessica O'Leary
Assistant Attorney General

cc: Allen DeVary
Hartweg, Turner & Wood, P.C.
207 W. Jefferson Street, Suite 400
Bloomington, Illinois 61701