



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 22, 2010

Beth Kimmerling
Coroner
McLean County Coroner
104 W. Front Street
P.O. Box 2400
Bloomington, IL 61702-2400

RE: Pre-Authorization Request – 2010 PAC 5730
Requester: [REDACTED]

Dear Ms. Kimmerling:

We have received and reviewed the notice from the McLean County Coroner 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 January 26, 2010, [REDACTED] requested "Autopsy and coroners records, all evidence from all agencies (notes, blood, weapons, pictures) in the suicide death Dec. 10, 2009 [of] [REDACTED]" In a telephone call on October 21, 2010, [REDACTED] informed us that she no longer requests photographs. The Coroner asserts that the responsive documents contain information that is exempt from disclosure under Section 7(1)(c) of FOIA. Specifically, the Coroner seeks pre-authorization to withhold the responsive coroner's report, autopsy report and a note from the deceased, in their entirety.

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.*

Determination

The Coroner's use of the exemption in Section 7(1)(c) with regard to the coroner's report and the autopsy report in their entirety is denied. When a public record contains non-exempt information

as well as exempt information, the public body may elect to redact the exempt information, but must make the remaining information available. 5 ILCS 140/7(1). Although some of the information in these reports may be highly personal, these reports also contain information that is not highly personal and is not exempt under Section 7(1)(c). Therefore, the Coroner may not withhold these reports in their entirety. If the Coroner wishes to redact specific information from these reports, the Coroner may submit another request for pre-authorization to deny the specific information in these reports that the Coroner believes is exempt under Section 7(1)(c).

The Coroner's use of the exemption in Section 7(1)(c) with regard to the note from the deceased is approved. This note is highly personal, and the surviving wife's right to privacy clearly outweighs any legitimate public interest in obtaining this information. The Coroner has sustained its initial burden of showing that this note is exempt under Section 7(1)(c).

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

Sincerely,

Cara Smith
Public Access Counselor

By:


Sarah Kaplan
Assistant Public Access Counselor

cc: Barb Nafziger
Chief Deputy Coroner
McLean County Coroner's Office
104 West Front Street
P.O. Box 2400
Bloomington, IL 61702-2400

cc: 

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