



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

January 7, 2011

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

RE: Pre-Authorization Request - 2010 PAC 11264

Dear Ms. Traven:

We have received and reviewed the written notice from the City of Joliet of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended. This letter is to advise you that your request is approved in part and denied in part.

Janet Meyer, from State Auto Insurance Company, submitted a FOIA request dated November 30, 2010, seeking copies of "all records and photographs pertaining to the accident reconstructionist report" associated with report number 101111023352. In its written notice, the City asserted that the photographs in this report are exempt from disclosure under Section 7(1)(c) of FOIA.

**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, unless disclosure is consented to in writing by the individual subjects of the information." 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."

The City's use of the exemption in Section 7(1)(c) with regard to the photographs is approved in part and denied in part. We have determined that disclosure of the photographs of the deceased would be objectionable to a reasonable person and would constitute a clearly unwarranted invasion of personal privacy. The victim's family's right to privacy outweighs any legitimate

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public interest in obtaining these photographs. Therefore, the City has met its initial burden of demonstrating that these photographs are exempt from disclosure under Section 7(1)(c) of FOIA.

However, the photographs that do not depict the deceased are not highly personal, and their disclosure would not be objectionable to a reasonable person. Therefore, the release of photographs that do not depict the deceased would not constitute an unwarranted invasion of personal privacy. Unless the City believes another exemption applies, the City must release these photographs to the requester. As such, the City should issue a partial denial letter directly to the requester and release the appropriate records in accordance with this letter.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:

A solid black rectangular redaction box covering the signature of Sarah Kaplan.

Sarah Kaplan  
Assistant Public Access Counselor

cc: Janet M. Meyer  
State Auto Insurance Company  
P.O. Box 1980  
Indianapolis, Indiana 46209