



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

January 27, 2011

Rosalee Dodson
Asst. Corporate Counsel
City of Bloomington
109 E. Olive Street
Bloomington, IL 61702

RE: Pre-Authorization Request – 2010.PAC 11939

Dear Ms. Dodson:

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

██████████ submitted a FOIA request on December 28, 2010 for all discovery information, including photographs, associated with police report ██████████. In its written notice, the City asserts that the accident photographs, containing images of the deceased passenger, are 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 use of the exemption in Section 7(1)(c) with regard to the postmortem photographs of the passenger is **approved**. We have determined that release of this information would constitute a clearly unwarranted invasion of personal privacy. 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 this information is exempt from disclosure under Section 7(1)(c) of FOIA.

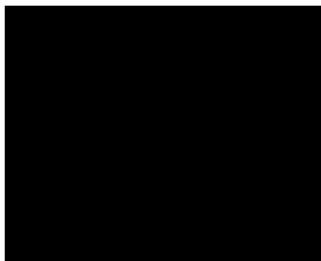
If you have any questions, please feel free to contact Tammy Friedewald at (217) 558-1926.
This correspondence shall serve to close this matter.

Sincerely,

Amalia Rioja
Acting Public Access Counselor

By: *Amanda Lundeen*
Amanda M. Lundeen *RF*
Assistant Public Access Counselor

cc:



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