



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 3, 2018

Via electronic mail
Ms. Clare Howard
Community Word
400 North East Jefferson Avenue, #400
Peoria, Illinois 61603
[REDACTED]

RE: FOIA Request for Review – 2018 PAC 53735

Dear Ms. Howard:

This determination letter is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2016)). For the reasons set forth below, the Public Access Bureau concludes that no further action in this matter is warranted.

On June 21, 2018, you submitted a FOIA request to the Peoria County Coroner's Office (Coroner's Office), seeking a copy of the coroner's report for a deceased individual. On June 22, 2018, the Coroner's Office responded that it would furnish responsive records upon receipt of the following applicable fees: \$50.00 for the autopsy report, \$25.00 for the toxicology report, and \$1.00 for certification of the documents. In your Request for Review, you contend that these fees are not proper under FOIA.

Section 6(b) of FOIA (5 ILCS 140/6(b) (West 2016)) provides, in pertinent part:

*Except when a fee is otherwise fixed by statute, each public body may charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records and for the use, by any person, of the equipment of the public body to copy records. No fees shall be charged for the first 50 pages of black and white, letter or legal sized copies requested by a requester. The fee for black and white, letter or legal sized copies shall not exceed 15 cents per page. * * * The cost for certifying a record shall not exceed \$1. (Emphasis added.)*

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The plain language of section 6(b) of FOIA permits a public body, such as the Coroner's Office, to charge fees fixed by a statute other than FOIA. Section 4-7001 of the Counties Code (55 ILCS 5/4-7001 (West 2016)) provides, in pertinent part: "Coroner's fees. The fees of the coroner's office shall be as follows: * * * 2. For a copy of an autopsy report (if not included in transcript): \$50.00. * * * 4. For a copy of a toxicology report: \$25.00."

Because the specific fees for autopsy reports and toxicology reports are fixed by section 4-7001 of the Counties Code, those fees rather than the fee provisions of FOIA apply to the records. Further, if you desire certified copies of the records, the Coroner's Office may charge you \$1.00 for certification pursuant to section 6(b) of FOIA. Accordingly, this office has determined that no further action is warranted in this matter.

This file is closed. If you have any questions, please contact me at 312-814-5201 or at the Chicago address listed on the bottom of the first page of this letter.

Very truly yours,

EDIE STEINBERG
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
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