



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 18, 2011

Via Electronic Mail

Ms. Mary Ivins
Village of Winnetka
510 Green Bay Road
Winnetka, Illinois 60093
MIvins@Winnetka.org

RE: FOIA Pre-Authorization Request -- 2011 PAC 14114

Dear Ms. Ivins:

We have received and reviewed the written notice from the Village of Winnetka of its intention to deny disclosure of certain information under section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010).

██████████ submitted a FOIA request to the Village seeking technical submittals by properties that have installed wireless alarm monitoring devices on April 13, 2011.

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." The exemption defines "unwarranted 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." 5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010.

The Village also seeks to withhold the records pursuant to section 7(1)(k) of FOIA (5 ILCS 140/7(1)(k) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010) which exempts from inspection and copying "[a]rchitects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds[.]"

Ms. Mary Ivins
May 19, 2011
Page 2

In its letter, the Village contends that no public funds were used for the properties at issue in the request.

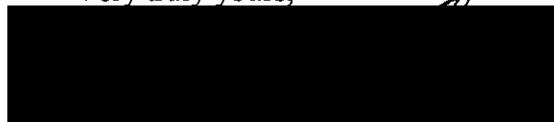
DETERMINATION

The Village's use of the exemption in section 7(1)(c) to withhold the records is **approved** in part and **denied** in part. This Office has previously concluded that corporate entities do not have a privacy interest within the definition of section 7(1)(c) of FOIA. *See* 2010 PAC 12330 (Ill. Att'y Gen. PAC Pre-Auth. dl12330, issued February 17, 2011). In this matter, four of the five properties listed, while privately owned, appear to be engaged in business transactions and do not have a personal privacy interest within the definition of section 7(1)(c). As a result, the Village has not met its initial burden under section 7(1)(c) with regard to such business properties.. The Village may, however, withhold the records relating to technical submissions for any *private residences* listed in Mr. Lehan's FOIA request.

Because advance approval by the Public Access Counselor is not required for the assertion of exemptions other than sections 7(1)(c) and 7(1)(f) (5 ILCS 140/7(1)(c),(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010), we make no determination at this time regarding the applicability of section 7(1)(k).¹

If you have any questions, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Very truly yours,



MATTHEW C. ROGINA
Assistant Attorney General
Public Access Bureau

cc:



14114 7(1)(c) preauth dl priv mun

¹ This Office has, however, previously concluded that technical data and plans relating to a private development that is not the recipient of public funding clearly fall within the scope of section 7(1)(k) and are exempt from disclosure. *See* 2010 PAC 10142 (Ill. Att'y Gen. PAC Req. Rev. Ltr., 10142, issued October 28, 2010)