



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 21, 2011

Mr. L. Patrick Power
Assistant City Attorney
City of Kankakee
Administration Building
304 S. Indiana Ave.
Kankakee, IL 60901-3904

RE: FOIA Pre-Authorization Request – 2011 PAC 15143

Dear Mr. Power:

We have received and reviewed written notice from the City of Kankakee (City) of its intention to deny certain information as exempt from disclosure under section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2010)). The City submitted its written notice to our office in response to a June 21, 2011 FOIA request it received from [REDACTED] of the Regional Transportation Authority. [REDACTED] FOIA request sought copies of all City agreements containing a tax sharing provision or an Economic Incentive Agreement and related records. The City claims that certain information responsive to this FOIA request is exempt under section 7(1)(c) because the disclosure of this information would constitute a "clearly unwarranted invasion of personal privacy." 5 ILCS 140/7(1)(c) (West 2010).

DETERMINATION

The City's use of the exemption in section 7(1)(c) to withhold information responsive to Ms. Nieves's request is **denied**. This information relates to business entities, not to individuals. Corporations and other business entities do not have a right to personal privacy for the purpose of section 7(1)(c) of FOIA. *See FCC v. AT&T, Inc.*, 562 U.S. ___, 131 S. Ct. 1177, 1185 (2011) (holding that corporations do not have a privacy interest for purposes of Exemption

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7(C) of the Federal FOIA (5 U.S.C. §552(b)(7)(C)) which exempts law enforcement records, the disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.). This conclusion is equally applicable to section 7(1)(c) of FOIA. Therefore, there is no personal privacy interest in this information that could outweigh the public interest in obtaining it.

If you have any questions or would like to discuss this matter, please contact me at (217) 782-9078. This correspondence shall serve to close this matter.

Very truly yours,



MATTHEW M. SEBEK
Assistant Attorney General
Public Access Bureau

15143 (c) pa dl mun

cc:



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Regional Transportation Authority
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