



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 26, 2011

Mr. L. Patrick Power
Assistant City Attorney
City of Kankakee
Administration Building
304 South Indiana Avenue
Kankakee, Illinois 60901-3904

RE: FOIA Pre-Authorization Request – 2011 PAC 15380

Dear Mr. Power:

We have received and reviewed the written notice from the City of Kankakee of its intention to deny disclosure of records under section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2010).

On July 6, 2011, Mr. Dimitrios Kalantzis of *The Daily Journal* submitted a FOIA request to the City seeking copies of "[a]ll current economic development agreements entered into by the City of Kankakee (sales tax agreements)" and "[a]ll expired economic development agreements entered into by the City of Kankakee." The City seeks pre-authorization to deny disclosure of any responsive records pursuant to section 7(1)(c).

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."

DETERMINATION

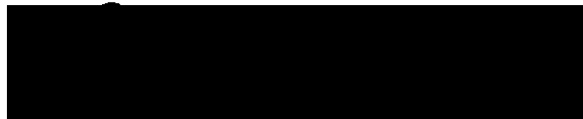
The City's request for approval of its decision to withhold the responsive records pursuant to the exemption in section 7(1)(c) of FOIA is **denied**. The City has failed to demonstrate how disclosure of the records would constitute a clearly unwarranted invasion of

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personal privacy, and thus has failed to meet its initial burden under section 7(1)(c). We note that the City has also asserted that the responsive records are exempt under section 7(1)(g) of FOIA. 5 ILCS 140/7(1)(g) (West 2010). We decline to determine at this stage whether the City's use of the section 7(1)(g) exemption is appropriate with regard to the responsive records.

Should you have any questions or concerns, please contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Very truly yours,

A large black rectangular redaction box covers the signature area of the letter.

SARA GADOLA GALLAGHER
Assistant Attorney General
Public Access Bureau

cc: Mr. Dimitrios Kalantzis
The Daily Journal
8 Dearborn Square
Kankakee, Illinois 60901