



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 24, 2010

Mr. Khang P. Trinh
Legal Counsel
Cook County Assessor's Office
118 N. Clark Street
Chicago, Illinois 60602

RE: FOIA Pre-Authorization Request – 2010 PAC 9698

Dear Ms Trinh:

We have reviewed the documents that our Office received on September 20, 2010 with respect to your notice of intention to deny disclosure of specific information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA) 5 ILCS 140/1 *et. seq.*, as amended.

Specifically, on September 1, 2010, [REDACTED] submitted a FOIA request to the Cook County Assessor (County) seeking copies of the following records:

Any and all disbursements to or on behalf of Cook County Assessor employees for the purposes of travel outside the state of Illinois, including receipts, expense sheets, request and approval forms, and stated purpose of travel from January 1, 2007 through the date of this request.

On September 17, 2010, the County sent a written notice of intent to deny to this Office and indicated that certain hotel information is exempt from disclosure under Section 7(1)(c) which 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.*

On September 17, 2010, the County supplied [REDACTED] with copies of documents responsive to his request together with redactions of hotel information and other personal information pursuant to Section 7(1)(b). In its written notice, the County explains that disclosure of occupancy number, adult/child number and hotel room number together with the employee's name, could lead to identity theft and thus, constitute a highly unwarranted invasion of personal privacy under Section 7(1)(c).

Determinations

The County's request for approval of its decision to withhold information pursuant to Section 7(1)(c) is hereby denied.

While the County alleges that disclosure of occupancy number, adult/child number, and hotel room numbers could lead to identity theft, the County has not met its burden in demonstrating that disclosure of this information constitutes a highly unwarranted invasion of personal privacy. For example, the documents supplied to us by the County refer to travel expenditures made by the County within the last three years. There is nothing to suggest that disclosure of hotel information relating to past travel constitutes a highly unwarranted invasion of personal privacy under Section 7(1)(c).

Moreover, Section 2.5 of FOIA provides that "[a]ll records relating to the obligation receipt and use of public funds of the State, units of local government, and school districts are public records subject to inspection and copying by the public." 5 ILCS 140/2.5. This Office finds that disclosure of the occupancy number, adult/child number, and hotel room number relates to the use of public funds as hotel rooms can vary in price depending on room size and occupancy number.

Based on this analysis, the County has not sustained its burden and should release an updated version of the information requested by [REDACTED] that contains the occupancy number, adult/child number, and hotel room number. Should you have any questions, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: [REDACTED]

Matthew C. Rogina
Assistant Public Access Counselor

cc:



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