



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

February 17, 2010

Mr. L. Patrick Power  
Assistant City Attorney  
City of Kankakee  
304 South Indiana Avenue  
Kankakee, IL 60901

Re: Pre-Authorization Request – 2011 PAC 12330  
FOIA Requester: John O'Bryan – Freeborn & Peters LLP

Dear Mr. Power:

We have received and reviewed the written notice from the City of Kankakee of its intention to deny disclosure certain documents for being exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

On January 27, 2011, Mr. John O'Bryan of the law firm Freeborn & Peters LLP submitted a FOIA request to the City for the following information:

- Any Economic Incentive Agreements (aka tax rebate agreements) between the City and any of the following: Inspired Development, Minority Development, and MTS Consulting.
- City Treasurer Reports, and any other City documents, that show the amount of monthly and yearly payments (including tax rebates) to all City retailers/vendors/contractors, including Inspired Development, Minority Development, and MTS Consulting, for the years 2003 through 2010.
- All submissions to the City by Inspired Development, Minority Development, or MTS Consulting, identifying potential retailers considering relocating to the City, including any submissions made pursuant to section 2D of the agreements identified... above and the City's responses thereto (including the City's final decision with respect to section 2D submissions.
- Any Economic Incentive Agreements entered into by the City after January 1, 2004.

In its written notice, the City asserts that all of the requested documents are exempt from disclosure under Section 7(1)(c) of FOIA. It argues that "the documents are confidential and to disclose them would be an unwarranted invasion of the personal privacy of those signing said agreements with the City of Kankakee."

**Determination**

Section 7(1)(c) 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".

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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."

The City's use of Section 7(1)(c) with respect to the documents is **denied**. It is the position of this office that corporate entities do not have "personal privacy" interests within the meaning of Section 7(1)(c). Accordingly, the City has not met its initial burden of demonstrating that the withheld information is exempt from disclosure under Section 7(1)(c).

Should you have questions or concerns, please feel free to contact me at (312) 814-8413. This correspondence shall serve to close this matter.

Sincerely,

cc: Mr. John O'Bryan  
Freeborn & Peters, LLP  
311 S. Wacker Dr., Suite 3000  
Chicago, IL 60606



By: Rebecca Riddick  
Assistant Public Access Counselor