



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

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March 7, 2011

Kristine Schmitz
FOIA Director
City of Kankakee
304 South Indiana Ave
Kankakee, IL 60901-3904

L. Patrick Power
Assistant City Attorney
City of Kankakee
304 South Indiana Ave
Kankakee, IL 60901-3904

RE: Pre-Authorization Request – 2011 PAC 12632
Requester: [REDACTED] FOIA Request No. 2011-059

Dear Ms. Schmitz and Mr. Power:

We have reviewed the written notice from the City of Kankakee 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).

On February 24, 2011, [REDACTED] requested:

- 1) Names and addresses of the firms who are doing business with the City of Kankakee under the Tax-Sharing Agreement.
- 2) Amount of money rebated to the firms addressed on line one since (1999).

In its proposed response to this request, the City asserts that the requested information is exempt 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 the 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.*

Determination

The City's request to withhold the names and addresses of firms doing business with the City and the amounts that the City reimbursed to those firms pursuant to Section 7(1)(c) 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). *See FCC v. AT&T, Inc.*, 562 U.S. ___, No. 09-1279, slip op. at 11-12 (March 1, 2011) (holding that corporations do not have a privacy interest for the purpose of Exemption 7(C) of the Federal FOIA, 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 these records that could outweigh the public interest in obtaining this information.

We conclude that the City has not sustained its burden of demonstrating that this information is exempt under Section 7(1)(c). The City has also asserted that this information is exempt under Section 7(1)(g) of FOIA, which relates to trade secrets and privileged and confidential commercial or financial information obtained from third parties. The assertion of the exemption in Section 7(1)(g) does not require pre-authorization from this office. Accordingly, we will not address the issue of its applicability to these records at this time.

If you have any questions or concerns, feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,



Sarah Kaplan
Assistant Public Access Counselor

cc:



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