



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 6, 2015

Ms. Rosalee Dodson
Assistant Corporation Counsel
109 East Olive Street
Bloomington, Illinois 61701

RE: FOIA Request for Review – 2015 PAC 33370

Dear Ms. Dodson:

The Public Access Bureau has received a Request for Review under section 9.5(a) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(a) (West 2012), as amended by Public Act 98-695, effective December 3, 2014) of the response by the City of Bloomington (City) to a January 5, 2015, FOIA request by Ms. Diane Benjamin. Enclosed for your information are copies of Ms. Benjamin's FOIA request and her Request for Review by our office.

On January 5, 2015, Ms. Benjamin submitted a four-part FOIA request to the City seeking, in part, copies of all complete Coliseum micros reports for fiscal year 2014 and a detailed payroll for the Coliseum for calendar year 2014. On that same day, the City requested an extension for response and stated that it would provide a response on or before January 20, 2015. On January 20, 2015, the City denied Ms. Benjamin's request for Coliseum financial information request pursuant to section 7(1)(g) of FOIA (5 ILCS 140/7(1)(g) (West 2013 Supp.), as amended by Public Act 98-695, effective July 3, 2014), which exempts from inspection and copying "[t]rade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested." In addition, the City denied the requested information pursuant to section 7(1)(b) and section 7(1)(c) of FOIA (5 ILCS 140/7(1)(b), (1)(c) (West 2013 Supp.), as amended by Public Act 98-695, effective July 3, 2014). The City's response also asserted that the requested records are processed by and under the control of Central Illinois Area Management (CIAM), the entity that operates the Coliseum. The City provided Ms. Benjamin with a January 15, 2015, correspondence between the City and CIAM asserting the same.

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This office has determined that further inquiry into this matter is necessary to confirm that the City has complied with its obligations under FOIA. Please provide to this office a written explanation of the section 7(1)(b), section 7(1)(c), and section 7(1)(g) exemptions cited in the City's denial of Ms. Benjamin's FOIA request, including how disclosure would cause the City competitive harm. Finally, please provide unredacted copies of the requested records for our confidential review.

As required under FOIA, please provide this information to our office within seven (7) working days after receipt of this letter (5 ILCS 140/9.5(c) (West 2012), as amended by Public Act 98-1129, effective December 3, 2014). As we review this matter, we will advise you if we require additional information. If you believe that other documents or information would help us as we review these issues, you may submit additional records or affidavits with the requested information.

Please note that, under FOIA, we are required to forward a copy of any response from a public body to the requester and provide the requester with an opportunity to reply (5 ILCS 140/9.5(d) (West 2012), as amended by Public Act 98-1129, effective December 3, 2014). FOIA provides, however, that "[t]o the extent that records or documents produced by a public body contain information that is claimed to be exempt from disclosure under Section 7 of [the] Act, the Public Access Counselor shall not further disclose that information." 5 ILCS 140/9.5(c) (West 2012), as amended by Public Act 98-1129, effective December 3, 2014. The Act also requires that we redact "any alleged confidential information to which the request pertains" when providing a copy of your written response to the requester (5 ILCS 140/9.5(d) (West 2012), as amended by Public Act 98-1124, effective December 3, 2014). If your response contains information or documents you believe are confidential, you must clearly identify that specific information in your response.

Please contact me at (217) 785-7438 if you have questions or would like to discuss this matter. Thank you.

Very truly yours,


CHRISTOPHER BOGGS
Assistant Attorney General
Public Access Bureau

Enclosure

cc: *Via electronic mail*
Ms. Diane Benjamin (will receive letter only)
blnnews@yahoo.com