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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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**FEDERAL COMMUNICATIONS COMMISSION ET AL. v.
AT&T INC. ET AL.****CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE THIRD CIRCUIT**

No. 09–1279. Argued January 19, 2011—Decided March 1, 2011

The Freedom of Information Act requires federal agencies to make records and documents publicly available upon request, subject to several statutory exemptions. One of those exemptions, Exemption 7(C), covers law enforcement records the disclosure of which “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” 5 U. S. C. §552(b)(7)(C). CompTel, a trade association, submitted a FOIA request for documents AT&T had provided to the Federal Communications Commission Enforcement Bureau during an investigation of that company. The Bureau found that Exemption 7(C) applied to individuals identified in AT&T’s submissions but not to the company itself, concluding that corporations do not have “personal privacy” interests as required by the exemption. The FCC agreed with the Bureau, but the Court of Appeals for the Third Circuit did not. It held that Exemption 7(C) extends to the “personal privacy” of corporations, reasoning that “personal” is the adjective form of the term “person,” which Congress has defined, as applicable here, to include corporations, §551(2).

Held: Corporations do not have “personal privacy” for the purposes of Exemption 7(C). Pp. 3–12.

(a) AT&T argues that the word “personal” in Exemption 7(C) incorporates the statutory definition of “person,” which includes corporations, §551(2). But adjectives do not always reflect the meaning of corresponding nouns. “Person” is a defined term in the statute; “personal” is not. When a statute does not define a term, the Court typically “give[s] the phrase its ordinary meaning.” *Johnson v. United States*, 559 U. S. ___, ___. “Personal” ordinarily refers to individuals. People do not generally use terms such as personal characteristics or

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personal correspondence to describe the characteristics or correspondence of corporations. In fact, “personal” is often used to mean precisely the *opposite* of business-related: We speak of personal expenses and business expenses, personal life and work life, personal opinion and a company’s view. Dictionary definitions also suggest that “personal” does not ordinarily relate to artificial “persons” like corporations.

AT&T contends that its reading of “personal” is supported by the common legal usage of the word “person.” Yet while “person,” in a legal setting, often refers to artificial entities, AT&T’s effort to ascribe a corresponding legal meaning to “personal” again elides the difference between “person” and “personal.” AT&T provides scant support for the proposition that “personal” denotes corporations, even in a legal context.

Regardless of whether “personal” can carry a legal meaning apart from its ordinary one, statutory language should be construed “in light of the terms surrounding it.” *Leocal v. Ashcroft*, 543 U. S. 1, 9. Exemption 7(C) refers not just to the word “personal,” but to the term “personal privacy.” “Personal” in that phrase conveys more than just “of a person”; it suggests a type of privacy evocative of human concerns—not the sort usually associated with an entity like AT&T. AT&T does not cite any other instance in which a court has expressly referred to a corporation’s “personal privacy.” Nor does it identify any other statute that does so. While AT&T argues that this Court has recognized “privacy” interests of corporations in the Fourth Amendment and double jeopardy contexts, this case does not call for the Court to pass on the scope of a corporation’s “privacy” interests as a matter of constitutional or common law. AT&T contends that the FCC has not demonstrated that the phrase “personal privacy” necessarily excludes corporations’ privacy. But construing statutory language is not merely an exercise in ascertaining “the outer limits of [a word’s] definitional possibilities,” *Dolan v. Postal Service*, 546 U. S. 481, 486, and AT&T has provided no sound reason in the statutory text or context to disregard the ordinary meaning of the phrase. Pp. 3–9.

(b) The meaning of “personal privacy” in Exemption 7(C) is further clarified by two pre-existing FOIA exemptions. Exemption 6, which Congress enacted eight years before Exemption 7(C), covers “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” §552(b)(6). This Court has regularly referred to Exemption 6 as involving an “individual’s right of privacy,” *Department of State v. Ray*, 502 U. S. 164, 175, and Congress used in Exemption 7(C) the same phrase—“personal privacy”—used in Exemption 6. In contrast, FOIA

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Exemption 4, which protects “trade secrets and commercial or financial information obtained from a person and privileged or confidential,” §552(b)(4), clearly applies to corporations. Congress did not use any language similar to that in Exemption 4 in Exemption 7(C). Pp. 9–11.

582 F. 3d 490, reversed.

ROBERTS, C. J., delivered the opinion of the Court, in which all other Members joined, except KAGAN, J., who took no part in the consideration or decision of the case.