



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

VIA U.S. MAIL

January 14, 2010



Beth Janicki Clark  
Assistant Village Attorney  
Village of Downers Grove  
801 Burlington Avenue  
Downers Grove, IL 60515

RE: FOIA Pre-Approval Request – No. PAC2010005170

Dear [REDACTED] and Ms. Janicki Clark:

We have received and reviewed the written notice from the Village of Downers Grove of its intent to deny in part and grant in part Report # 09-10040 as exempt from disclosure under subsection 7(1)(f) of the Freedom of Information Act ("the Act"), 5 ILCS 140/9.5(b).

The Village also stated it will redact portions of the report on the ground that such information constituted private information, pursuant to Section 7(1) (b), such as social security numbers, home addresses, home phone numbers, etc.

The Village is also withholding any information obtained in the report through the LEADS system, a database maintained by the State police that stores criminal history. The Village wants to redact any information obtained from LEADS, based on subsection 7(1) (a), which allows for the withholding of information strictly prohibited by state or federal law. LEADS disclosure is strictly prohibited by Illinois statute.

Sections 7(1) (b) and 7(1) (a) exemptions do not require pre-approval from our office. You may assert your reasoning behind partial or total disclosure directly to the requester.

Only supplemental information supporting the claim that non-disclosure is based on either a subsection 7(1) (c) or 7(1) (f) exemption need be included in all future pre-approval requests.

Public bodies may exercise the (7) (1) (f) exemption when the public record being sought can be classified as preliminary drafts or notes expressing opinion. The Village wants to deny in part

based on the police officer's handwritten notes on a LEADS printout in Report #09-10040. The police officer's handwritten notes, detailing his own impressions of the case, would clearly fit within the parameters of notes expressing opinion under 7(1) (f) and can be redacted.

As a result of this review, we have determined that it is appropriate to decline to disclose in part and grant in part Report # 09-10040 under subsection 7(1) (f) because of the preliminary draft exemption that includes any handwritten notes of law enforcement in this case. Thus, the request to assert the exemption under subsection 7(1) (f) is hereby approved and further inquiry into this matter is not warranted.

If you have any questions, please feel free to contact me directly at (312) 814-6437. This letter shall serve to close this file.

Sincerely,

Cara Smith  
Public Access Counselor

By:

Lola Dada-Olley  
Assistant Public Access Counselor