



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 19, 2011

Ms. Amanda Carone, FOIA Officer
Illinois Housing Development Authority
401 N. Michigan Avenue
Suite 700
Chicago, IL 60611

RE: FOIA Pre-Authorization Request – 2011 PAC 14105

Dear Ms. Carone:

We have received and reviewed the written notice from the Illinois Housing Development Authority (IHDA) of its intention to deny certain information as exempt from disclosure pursuant to section 7(1)(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010). Specifically, on April 30, 2011, [REDACTED] submitted a FOIA request to IHDA for certain records related to Williamsburg Apartments, including "[r]ecords of review by loan committee." IHDA is seeking to withhold the loan committee review records.

Section 7(1)(f) exempts from inspection and copying "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body." 5 ILCS 140/7(1)(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010. The section 7(1)(f) exemption applies to "inter- and intra-agency predecisional and deliberative material." *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247, (1st Dist. 2003). The exemption is "intended to protect the communications process and encourage frank and open discussion among agency employees before a final decision is made." *Harwood*, 344 Ill. App. 3d at 248.

DETERMINATION


IHDA's use of the exemption in section 7(1)(f) to withhold the records in question is **approved**. We have reviewed un-redacted copies of the records, which contain notes that express opinions and recommendations regarding a financing proposal. Those records are pre-decisional in nature. In addition, there is no indication that the records have been cited by the

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head of IHDA. Accordingly, we conclude that IDHA has sustained its initial burden of demonstrating that these records are exempt from disclosure under section 7(1)(f).

IHDA indicated in its notice of intention to deny that the remaining records have been provided to Ms. Morris. If you have any questions, please contact me at (312) 814-6756. This correspondence shall serve to close this matter.

Very truly yours,



STEVE SILVERMAN
Assistant Attorney General
Public Access Bureau

cc:

