



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 26, 2010

Ms. Yolanda G. Godwin
Illinois Department of Human Rights
100 West Randolph Street, Suite 10-100
Chicago, Illinois 60601

RE: Pre-authorization request – 2010 PAC 5896

Dear Ms. Godwin:

We have received and reviewed the written notice from the Illinois Department of Human Rights (IDHR) of its intent to deny disclosure of records related to pending IDHR claims as exempt from disclosure under the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

IDHR received a FOIA request on February 15, 2010, from [REDACTED] an attorney for Guardsmark, LLC, seeking copies of 10 separate IDHR claims filed against his client. Of these 10 claims, IDHR has asserted that four claims “are currently open/pending investigation” and that these four “are exempt from inspection and copying pursuant to 5 ILCS 140/7(1)(c)(ii).”

Under the new amendments to FOIA, the exemption to which IDHR cites has been recodified at subsection 7(1)(d)(ii). Use of this exemption to deny disclosure of records does not require preapproval from our office, and we express no opinion on whether IDHR’s use of this exemption is appropriate. As such, the Department should issue a partial denial letter directly to [REDACTED]

Should you have questions or concerns, please feel free to contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

cc: Mr. Jason Rosenthal

[REDACTED]
By: Sara Gadola Gallagher
Deputy Public Access Counselor