



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

May 31, 2011

Fire Chief Tony Huemann  
McHenry County Fire Protection District  
3610 West Elm Street  
McHenry, IL 60050

FOIA Pre-Authorization Request - 2011 PAC 14306

Dear Chief Huemann:

We have received and reviewed the written notice from the McHenry County Fire Protection District (Fire Protection District) of its intention to deny disclosure of certain information 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 28, 2011, Nicholas Bonifas submitted a FOIA request for copies of records related to fire alarm monitoring by the Fire Protection District and the City of McHenry. The Fire Protection District is seeking to withhold one document and redact a portion of another document under section 7(1)(f).

Section 7(1)(f) of FOIA 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 decision is made." *Harwood*, 344 Ill. App. 3d at 248.

**DETERMINATION**

The Fire Protection District's use of the section 7(1)(f) exemption to withhold the records is **approved**. We have reviewed un-redacted copies of the records, which contain opinions and recommendations compiled by the Fire Protection District. The Fire Protection

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District has clarified that those records were considered by both the Fire Protection District and the City in determining whether to enter into an agreement for certain fire protection services. Such records are pre-decisional in nature, and there is no indication that the records have been publicly cited by the head of either public body. Therefore, we conclude that the Fire Protection District has sustained its initial burden of demonstrating that these records are exempt from disclosure under section 7(1)(f).

Accordingly, the Fire Protection District may issue a partial denial letter and release other records responsive to the request, if it has not already done so.

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: Mr. Nicholas Bonifas  
Alarm Protection Services  
1111 Church Road  
Aurora, IL 60505