



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 1, 2011

Ms. Lisa A. Farrington
Staff Attorney
Village of Arlington Heights
33 South Arlington Heights Rd.
Arlington Heights, Illinois 60005

RE: FOIA Preauthorization Request – 2011 PAC 14336

Dear Ms. Farrington:

We have received and reviewed the written notice from the Village of Arlington Heights of its intention to deny disclosure of certain records requested by [REDACTED] 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 May 17, 2011, [REDACTED] requested copies of e-mail exchanges involving Village officials relating to Arlington Park's proposal to install slot machines. The Village states that it has provided some responsive documents to Ms. Royal but it seeks to withhold some e-mails under section 7(1)(f).

Section 7(1)(f) of FOIA exempts from disclosure, "[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." The section 7(1)(f) exemption is intended to encourage government officials to openly and frankly discuss matters of governmental concern in order to make informed policy decisions. *Harwood v. McDonough*, 344 Ill. App. 3d 242, 248 (1st Dist. 2003). "[T]he deliberative process privilege protects pre-decisional, deliberative communications that are part of an agency's decision-making process." *Parmelee v. Camparone*, No. 93 C 7362, 1998 WL 704181 (N.D. Ill. October 1, 1998).


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DETERMINATION

The Village's use of the exemption in section 7(1)(f) is **approved**. We have reviewed the records furnished to us and conclude that the Village has met its initial burden of demonstrating that the records in question contain opinions and recommendations by Village officials and are exempted from disclosure under section 7(1)(f).

If you have any questions, please contact me at 312-814-2770. This correspondence will serve to close the matter.

Very truly yours,


JOHN SCHMIDT
Senior Assistant Attorney General
Public Access Bureau

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cc:

