



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

June 14, 2011

Mr. Clifton Mitchell  
Freedom of Information Officer  
City of Peoria  
419 Fulton Street, Suite 200  
Peoria, IL 61602

RE: FOIA Pre-Authorization Request - 2011 PAC 13507

Dear Mr. Mitchell:

We have received and reviewed the written notice from the City of Peoria 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). 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."

On March 30, 2011, Mr. Dean Rhoads of Sutkowski & Rhoads, Ltd., submitted a FOIA request to the City seeking "electronic records regarding the City Council's decision to deny rezoning of property located at 3616 N. Sheridan Road."

In its written notice, the City asserts that the "electronic records, consisting of emails, primarily between/among employees of the Planning and Growth Department, and the Public Works Department" contain "opinions of staff regarding technical requirements of the proposed projects, and recommendations regarding policy or actions to be taken." The records were withheld from disclosure under section 7(1)(f) of FOIA. The City did not provide to this office copies of the documents it sought to withhold and, on April 15, 2011, we asked the City to send them. On May 31, 2011, the City furnished copies of the withheld records.

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### DETERMINATION

The City's use of the exemption in section 7(1)(f) is **approved in part**. After reviewing the information provided, we have determined that the City may withhold the provided emails pursuant to section 7(1)(f). These emails are records in which opinions were expressed and policies and actions were formulated. Further, the City asserts that these documents have not been publicly cited by the head of the public body. Accordingly, the City has met its initial burden of demonstrating that the withheld information is exempt from disclosure under section 7(1)(f) of FOIA.

However, the City's use of the section 7(1)(f) exemption is **denied** with respect to the spreadsheet. The spreadsheet contains only facts concerning traffic incidents at a particular location. After thorough review, we concluded that this document is not exempt under section 7(1)(f) of FOIA.

Therefore, the City may issue a partial denial letter and release the remaining documents in accordance with this letter, if it has not already done so.

If you have any questions, please contact our office at (877) 299-3642. This correspondence shall serve to close this matter.

Very truly yours,



REBECCA RIDDICK  
Assistant Attorney General  
Public Access Bureau

13507 pre-auth al dl 71f prelim draft mun

cc: Mr. Dean Rhoads  
Sutkowski & Rhoads, Ltd.  
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Peoria, IL 61602