



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 21, 2011

Ms. Ann Harrison, Acting FOIA Officer
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601

FOIA Pre-Authorization Request - 2011 PAC 14308

Dear Ms. Harrison:

We have received and reviewed the written notice from the Illinois Department of Labor (Department) 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, George Petrilli submitted a FOIA request for all records related to File No. 2010-PW-TD04-0973. The Department seeks to withhold an investigator's notes.

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 final decision is made." *Harwood*, 344 Ill. App. 3d at 248.

DETERMINATION

The Department's use of the section 7(1)(f) exemption to withhold the investigator's notes is **denied**. We have reviewed copies of the notes, which contain the investigator's factual findings and final determination. Such records are not pre-decisional in nature. Therefore, we conclude that the Department has not sustained its initial burden of demonstrating that these records are exempt from disclosure under section 7(1)(f).

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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

14308 preauth al 7(1)(f) prelim draft sa

cc: Mr. George R. Petrilli
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