



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

June 21, 2011

Ms. Mary Lou Allman  
Freedom of Information Act Officer  
Office of the McLean County Sheriff  
104 W. Front Road  
Bloomington, Illinois 61701

RE: FOIA Pre-Authorization Request - 2011 PAC 14617

Dear Ms. Allman:

We have received and reviewed the written notice from the Office of the McLean County Sheriff (Sheriff's office) 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 May 24, 2011, [REDACTED] submitted a FOIA request to the Sheriff's office seeking any correspondence between the Bloomington Police Department and the Sheriff's office concerning Mr. Simpson. On June 6, 2011, the Sheriff's office submitted its written notice to this office seeking to withhold several emails from disclosure pursuant to section 7(1)(f). On June 16, 2011, the Sheriff's office furnished this office with copies of the emails that it seeks to withhold.

Section 7(1)(f) of FOIA exempts from inspection and copying "preliminary 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 (1<sup>st</sup> 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 Sheriff's office use of the exemption in section 7(1)(f) to the withhold the emails is **approved**. We have reviewed the emails furnished to us by the Sheriff's office and conclude that the information contains opinions and recommendations by Sheriff's office personnel about a suggested course of action with regard to a particular citizen. As a result, the Sheriff's office has met its initial burden and may withhold the emails pursuant to section 7(1)(f).

If you have any questions, you may contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Very truly yours,



MATTHEW C. ROGINA  
Assistant Attorney General  
Public Access Bureau

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cc:

