



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

May 26, 2011

*Via Electronic Mail*

Mr. Patrick Cage  
General Counsel  
Chicago State University  
pcage@csu.edu

RE: FOIA Pre-Authorization Request - 2010 PAC 7253

Dear Mr. Cage:

We have received and reviewed the written notice from Chicago State University (CSU) 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, 2010, Ms. Jamie Daniel, on behalf of the University Professionals of Illinois, submitted a FOIA request to CSU seeking the University's plan for "rightsizing." On May 3, 2010, CSU submitted its written notice to this Office seeking to withhold the responsive record from disclosure pursuant to section 7(1)(f).

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."

This Office initiated further inquiry into this matter on March 15, 2010, and CSU responded on May 20, 2010. In its response letter, CSU explained that the plan for "rightsizing" consists of a list of University employees who were recommended for layoffs. CSU furnished the record to the Office of the Public Access Counselor on May 2, 2011. The record provided to us identifies proposed layoffs by particular position titles, rather than by the names of specific employees. We understand that the employees in the positions identified in the rightsizing plan were not ultimately laid off.

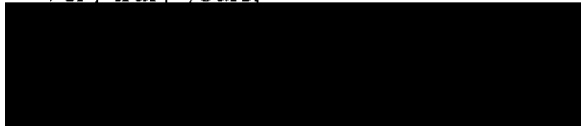
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The section 7(1)(f) exemption is intended to encourage government officials to openly and frankly discuss matters of governmental concern in order to make informed policy decisions. *Harwood v. McDonough*, 344 Ill. App. 3d 242, 248 (1<sup>st</sup> 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).

We have reviewed the record furnished to us by CSU and conclude that CSU has met its initial burden of demonstrating that the plan for rightsizing is exempt under section 7(1)(f). The rightsizing plan was part of the decision making process for CSU in determining whether to eliminate positions or lay off employees. Because such layoffs were not ultimately part of CSU's plan, We conclude that the record can be characterized as preliminary and properly falls within the provisions of section 7(1)(f). CSU's use of the exemption in section 7(1)(f) to withhold the record is therefore **approved**.

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

cc: Ms. Jamie Daniel  
Field Service Director  
University Professionals of Illinois  
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