



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 29, 2011

Mr. Josh Jones
Freedom of Information Act Officer
Office of the Illinois Attorney General
500 South Second Street
Springfield, Illinois 62706

RE: FOIA Pre-Authorization Request - 2011 PAC 14851

Dear Mr. Jones:

We have received and reviewed the written notice from the Office of the Illinois Attorney General (AG) 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 June 1, 2011, Ms. Frances Eaton submitted a FOIA request to the AG seeking "[a]ny correspondence involving the Attorney General's office concerning complaints about Human Rights Act alleged violations involving Illinois religious or sectarian adoption and foster care agencies" and "[a]ny correspondence sent to Illinois religious or sectarian adoption or foster care agencies requesting information pertaining to Human Rights Act alleged violations". On June 13, 2011, the AG submitted its written notice to the Public Access Counselor seeking authorization to withhold several e-mails from disclosure pursuant to section 7(1)(f), together with copies of these e-mails.

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 (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 AG's use of the exemption in section 7(1)(f) to withhold the e-mails is **approved**. We have reviewed the e-mails furnished to us by the AG and conclude that the e-mails are internal correspondence containing opinions, preliminary analysis, and recommendations by office attorneys and staff with regard to potential Human Rights Act issues. As a result, the Attorney General 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) 793-0865. This correspondence shall serve to close this matter.

Very truly yours,

A large black rectangular redaction box covering the signature of SARA GABOLA GALLAGHER.

SARA GABOLA GALLAGHER
Assistant Attorney General
Public Access Bureau

14851 preauth 71f at prelim ag

cc: Ms. Frances Eaton
14849 Mission Avenue
Oak Forest, Illinois 60452