



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 13, 2011

Via Electronic Mail

Mr. Curt Clemons-Mosby
Freedom of Information Act Officer
Governor's Office of Management and Budget
Curt.ClemonsMosby@illinois.gov

RE: FOIA Pre-Authorization Request - 2011 PAC 12680

Dear Mr. Clemons-Mosby:

We have received and reviewed the written notice from the Governor's Office of Management and Budget (GOMB) 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 2010). Specifically, on February 17, 2011, [REDACTED] submitted a FOIA request to GOMB seeking the ePAR¹ completed for Mr. Polk's position as shift supervisor at the Decatur Correctional Center.

On February 28, 2011, GOMB submitted its written notice to this office seeking to withhold a portion of the document pursuant to section 7(1)(f) of FOIA, which 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).

¹GOMB has described the ePAR as an electronic document that seeks approval for personnel decisions at State agencies.

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DETERMINATION

GOMB's use of the exemption in section 7(1)(f) to redact information in the ePAR document is **denied**. We have reviewed an unredacted copy of the ePAR document furnished to us by GOMB, and conclude that the document is an approved document rather than a request for approval. Therefore, the information contained within the document cannot be characterized as preliminary or deliberative and may not be withheld pursuant to section 7(1)(f).

As a result, this office finds that GOMB must furnish an unredacted copy of the document to [REDACTED]. If you have any questions, you may contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Very truly yours,

[REDACTED]
MATTHEW C. ROGINA /
Assistant Attorney General
Public Access Bureau

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Via Electronic Mail

cc:

[REDACTED]