OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 7, 2011

Via Electronic Mail
Ms. Trisha Crowley
Deputy City Attorney
City of Champaign
Trisha.Crowley@ci.champaign.il.us

RE: FOIA Pre-Authorization Request - 2011 PAC 15213

Dear Ms. Crowley:

We have received and reviewed the written notice from the City of Champaign (City) 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 June 14, 2011, [redacted] submitted a FOIA request to the City seeking all correspondence with regard to a property dispute between [redacted] and a nearby resident. On June 30, 2011, the City submitted its written notice to this office seeking to withhold certain emails exchanged between City personnel concerning the dispute.

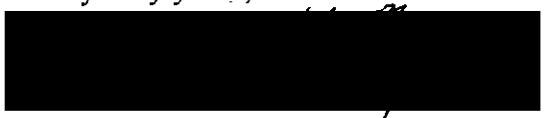
Section 7(1)(f) of FOIA exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record 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).

DETERMINATION

The City's use of the exemption in section 7(1)(f) to withhold the emails is **approved**. We have reviewed the correspondence furnished to us by the City, and conclude that the emails exchanged among City personnel about the property dispute are deliberative in nature and may therefore be withheld pursuant to section 7(1)(f).

As such, this office finds that the City has met its initial burden under 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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