



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 13, 2011

Ms. Cassandra Daniels, FOIA Officer
Chicago Public Schools
125 South Clark St., Ste. 700
Chicago, IL 60603

RE: FOIA Pre-Authorization Request - 2011 PAC 15290

Dear Ms. Daniels:

We have received and reviewed the written notice from Chicago Public Schools 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 28, 2011, [REDACTED] submitted a FOIA request for the "projected amounts distributed" to District 299 schools in the 2011-12 budget. CPS seeks to withhold records responsive to that request under section 7(1)(f).

Section 7(1)(f) of FOIA exempts from inspection and copying "[p]reliminary 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 applies to "inter- and intra-agency predecisional and deliberative material." *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247 (1st Dist. 2003). The exemption is "intended to protect the communications process and encourage frank and open discussion among agency employees before a final decision is made." *Harwood*, 344 Ill. App. 3d at 248.

DETERMINATION

CPS's assertion of the section 7(1)(f) exemption to withhold records of the "projected amounts distributed" to District 299 schools in the 2011-12 budget is **approved**. CPS has explained that its fiscal year 2012 budget has not been adopted and, therefore, any projected budget allocations are preliminary. We agree that such records are pre-decisional in nature, and there is no indication that those records have been cited by the superintendent of CPS.

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Accordingly, we conclude that the School District has sustained its initial burden of demonstrating that these records are exempt from disclosure under section 7(1)(f).

If you have any questions, please contact me at (312) 814-6756. This correspondence shall serve to close this matter.

Very truly yours,



STEVE SILVERMAN
Assistant Attorney General
Public Access Bureau

15290 preauth al 7(1)(f) prelim draft sd

cc:

