



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 18, 2011

Ms. Jessica M. Bargnes
Scariano, Himes and Petrarca
Two Prudential Plaza, Suite 3100
180 North Stetson
Chicago, IL 60601

Re: FOIA Pre-Authorization Request – 2011 PAC 15278

Dear Ms. Bargnes:

We have received and reviewed the written notice from Grayslake School District 46 of its intention to deny disclosure of certain information under section 7(1)(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(f) (West 2010)). The District is seeking to withhold emails that contain opinions and recommendations.

On June 3, 2011, [REDACTED] submitted a FOIA request to the District for eight categories of records. The District seeks authorization from this office to withhold records responsive to one of [REDACTED] requests, specifically his request for "[a]ll emails mentioning [REDACTED] between March 30, 2011 – May 31, 2011."

In its written notice, the District asserts that these emails are preliminary drafts, contain recommendations, and express opinions. 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." 5 ILCS 140/7(1)(f) (West 2010). The District informs us that it has provided Mr. Jarratt with documents responsive to the other portions of his June 3, 2011, FOIA request.

DETERMINATION

The District's use of the section 7(1)(f) exemption with regard to the emails in question is **approved**. We have reviewed the responsive records and have determined that the

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emails are part of the decision-making process and contain recommendations and opinions. Further, the District has indicated that these emails have not been publicly cited by the head of the public body. Accordingly, the District has met its initial burden of demonstrating that the withheld information is exempt from disclosure under section 7(1)(f) of FOIA.

If you have any questions or would like to discuss this matter, please contact me at (312) 814-8413. This correspondence shall serve to close this matter.

Very truly yours,



REBECCA RIDDICK
Assistant Attorney General
Public Access Bureau

15278 pre-auth 71f al prelim draft sd

Via Electronic Mail

cc:

