



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 15, 2011

Via Electronic Mail
Ms. Mandy Bentley
Freedom of Information Officer
Illinois Department of Corrections
Mandy.Bentley@doc.illinois.gov

RE: FOIA Pre-Authorization Request - 2011 PAC 15364

Dear Ms. Bentley:

We have received and reviewed the written notice from the Illinois Department of Corrections (IDOC) 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 8, 2011, [REDACTED] submitted a FOIA request to IDOC seeking information relating to IDOC's rules and procedures with regard to electronic home monitoring. On July 7, 2011, IDOC submitted its written notice to this office seeking to withhold a single email pursuant to section 7(1)(f).

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).

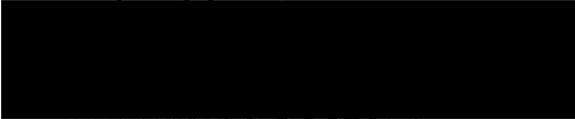
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DETERMINATION

IDOC's assertion of the exemption in section 7(1)(f) to the withhold the email is **approved**. Based on our review of the email, we conclude that it is deliberative in nature and falls within the provisions of section 7(1)(f). As a result, IDOC has met its initial burden and may withhold the email pursuant to 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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cc:

