



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 22, 2011

Via Electronic Mail

Ms. Carla Erdey
Freedom of Information Officer
Consolidated High School District No. 230
CErdey@d230.org

RE: FOIA Pre-Authorization Request - 2011 PAC 11896

Dear Ms. Erdey:

We have received and reviewed the written notice from Consolidated High School District No. 230 (District) 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 January 3, 2011, [REDACTED] submitted a FOIA request to the District seeking certain correspondence and memoranda relating to the District's "community member participation." On January 18, 2011, the District submitted its written notice to this office seeking to withhold certain internal memoranda. On July 18, 2011, the District supplied us with a copy of the records that it seeks to withhold 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. Campanone*, No. 93 C 7362, 1998 WL 704181 (N.D. Ill. October 1, 1998).

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DETERMINATION

The District's use of the exemption in section 7(1)(f) to withhold the memoranda is **approved**. We have reviewed the correspondence furnished to us by the District, and conclude that the memoranda are deliberative in nature and may therefore be withheld pursuant to section 7(1)(f).

As a result, this office finds that the District has met its initial burden under section 7(1)(f) and may withhold the requested records. 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:

