



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 21, 2011

Ms. Jessica M. Bargnes
Scariano, Himes and Petrarca
Two Prudential Plaza
Suite 3100
Chicago, Illinois 60601-6702

RE: FOIA Preauthorization Request – 2011 PAC 15215

Dear Ms. Bargnes:

We have received and reviewed the written notice from Mount Prospect School District 57 of its intention to deny disclosure of certain information requested by [REDACTED] pursuant to section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f) (West 2010). Among other things, [REDACTED] FOIA request sought records relating to the District bus fee and the monthly KidsCorner daycare fee for 2011-12. The School District seeks preauthorization to withhold some of the responsive records to this portion of the request under section 7(1)(f).

Section 7(1)(f) exempts from disclosure "[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."

DETERMINATION

The District's assertion of the section 7(1)(f) exemption is **denied** with respect to three pages of documents that set forth the costs of other day care centers and preschools in the area. Section 7(1)(f) "is the equivalent of the 'deliberative process' exemption set forth in section 552(b)(5) of the federal Freedom of Information Act." *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247, 799 N.E. 2d 859, 864 (1st Dist. 2003). The purpose of

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this exemption is to encourage honest and open discussions among government employees before decisions are reached. *Harwood*, 344 Ill. App. 3d at 248.

The purpose of the deliberative process exemption "severely limits its scope." *Hearst Corp. v. Hoppe*, 90 Wash.2d 123, 133, 580 P.2d 246, 252 (1978). The exemption applies only if disclosure will "inhibit the flow of recommendations, observations, and opinions" from government employees. *Hoppe*, 90 Wash.2d at 133, 580 P.2d at 252. Accordingly, factual data are not exempt because disclosure of factual data does not reveal or expose the deliberative process. *Hoppe*, 90 Wash.2d at 133, 580 P.2d at 252.

The District's use of the section 7(1)(f) exemption is **approved** with respect to a draft memorandum that makes recommendations regarding fees. We have reviewed this document and conclude that it is a predecisional and deliberative communication that is exempt from disclosure under pursuant to section 7(1)(f). *See Harwood*, 344 Ill. App. 3d at 248, 799 N.E.2d at 864.

If you have any questions, please contact me at 312-814-2770. This correspondence shall serve to close the matter.

Very truly yours,


JOHN SCHMIDT
Senior Assistant Attorney General
Public Access Bureau

15215 pre-auth al dl 7(1)(f) prelim draft sd

cc:

