



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 26, 2011

Mr. Robert J. Grindle
Legal Fellow
Office of the Governor
100 West Randolph Street, Suite 16-100
Chicago, Illinois 60601

RE: FOIA Preauthorization – 2011 PAC 15486

Dear Mr. Grindle:

We have received and reviewed the written notice from the Office of the Governor of its intention, pursuant to section 7(1)(f) of the Freedom of Information Act (FOIA), to deny disclosure of certain information requested by Mr. Tim Novak of the *Chicago Sun-Times*. 5 ILCS 140/7(1)(f) (West 2010). Specifically, Mr. Novak requested records involving meetings and correspondence between the Governor's staff and representatives of the Ho Chunk Nation involving a proposed casino. The Governor's Office seeks to withhold one e-mail under section 7(1)(f) and provided our office with a copy of this e-mail.

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." This provision "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 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. See *N.L.R.B. v. Sears*, 421 U.S. 132 (1975), *Hoffman v. Ill. Dept. of Corrections*, 158 Ill. App. 3d 473 (1st Dist. 1987).

DETERMINATION


After reviewing the e-mail provided to our office, we have concluded that it is a record in which opinions are expressed with regard to possible action by the Governor's Office.

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Additionally, there is no evidence that this e-mail has been publicly cited and identified by the Governor. Based on this analysis, the Governor's Office has met its initial burden under section 7(1)(f) to withhold the e-mail in question.

If you have any questions, please contact me at 312-793-0865. This correspondence will serve to close this matter.

Very truly yours,



SARA GADOLA GALLAGHER
Assistant Attorney General
Public Access Bureau

15486 pre-auth al 7(1)(f) prelim draft gov

cc: Mr. Tim Novak
Chicago Sun-Times
350 North Orleans
Chicago, Illinois 60654