



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

July 27, 2011

Ms. Sunny Clark, FOIA Officer  
Department of Central Management Services  
720 Stratton Office Building  
401 South Spring Street  
Springfield, IL 62706

RE: FOIA Pre-Authorization Request - 2011 PAC 15561

Dear Ms. Clark:

We have received and reviewed the written notice from the Department of Central Management Services 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 July 8, 2011, Mr. J.P. Fyans III submitted a FOIA request for records regarding the hiring of janitors and any filed or pending electronic Personnel Action Requests (ePAR) for full-time Janitor I or Janitor II positions. CMS seeks to withhold pending ePARs.

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." The section 7(1)(f) exemption applies to "inter- and intra-agency predecisional and deliberative material." *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247 (1st Dist. 2003). The exemption is "intended to protect the communications process and encourage frank and open discussion among agency employees before a final decision is made." *Harwood*, 344 Ill. App. 3d at 248.

**DETERMINATION**

CMS's assertion of the section 7(1)(f) exemption to withhold ePARs is **approved**. We have reviewed copies of the ePARs, which contain recommendations concerning the hiring of new employees. CMS has explained that the ePARs are pending and have yet to be approved or rejected. Such pending requests are pre-decisional in nature, and there is no indication that the

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records have been cited by the director of CMS. Accordingly, we conclude that CMS has sustained its initial burden of demonstrating that these records are exempt from disclosure under section 7(1)(f).

If you have any questions, please contact me at (312) 814-6756. This correspondence shall serve to close this matter.

Very truly yours,



STEVE SILVERMAN  
Assistant Attorney General  
Public Access Bureau

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cc: Mr. J.P. Fyans III, Legal Counsel  
Teamsters Local Union 316  
3361 Teamster Way  
Springfield, IL 62707