



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 1, 2011

Via Electronic Mail
Ms. Robin Kaler
Associate Chancellor for Public Affairs
University of Illinois
rkaler@illinois.edu

RE: FOIA Pre-Authorization Request - 2010 PAC 10522

Dear Ms. Kaler:

We have received and reviewed the written notice from the University of Illinois (University) 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 October 18, 2010, [REDACTED] submitted a FOIA request to the University seeking all "current licensing agreements, contracts, and communications that the University of Illinois has entered into with College Vault." On November 2, 2010, the University submitted its written notice to this office seeking to withhold a draft and memorandum pursuant to section 7(1)(f). On June 28, 2011, the University furnished this office with copies of the documents that it seeks to withhold under 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).

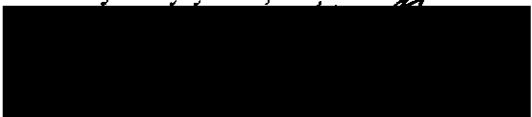
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DETERMINATION

The University's use of the exemption in section 7(1)(f) to the withhold the draft and the memorandum is **approved**. We have reviewed both documents furnished to us by the University and conclude that the information falls within the provisions of section 7(1)(f). As a result, the University has met its initial burden and may withhold the documents 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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Via Electronic Mail

cc:

