



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 1, 2011

Ms. Trisha Crowley
Legal Department
City of Champaign
102 N. Neil Street
Champaign, IL 61820

RE: FOIA Pre-Authorization Request – 2011 PAC 13991

Dear Ms. Crowley:

We have received and reviewed the written notice from the City of Champaign of its intention to deny certain information as exempt from disclosure under section 7(1)(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(f) (West 2010)). Specifically, on April 27, 2011, [REDACTED] requested records regarding and related to the Joann Dorsey Homes public housing complex. The City is seeking to withhold records of certain discussions and email messages pertaining to the housing complex.

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

The City's use of the section 7(1)(f) exemption to withhold the records is **approved**. We have reviewed un-redacted copies of the records, which consist of

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documentation of discussions¹ between City officials and email messages regarding the housing complex and related matters. These records contain opinions and recommendations that the City has indicated were considered in formulating action pertaining to the housing complex. Such records are pre-decisional in nature, and the City has asserted that the records were not cited by the mayor. Therefore, we conclude that the City has sustained its initial burden of demonstrating that these records are exempt from disclosure under section 7(1)(f).

Accordingly, the City may issue a partial denial letter and release other records responsive to the request, if it has not already done so.

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

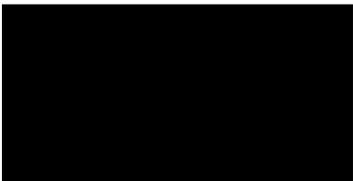
Very truly yours,



STEVE SILVERMAN
Assistant Attorney General
Public Access Bureau

13991 preauth al 7(1)(f) prelim draft mun

cc:



¹ The City has indicated that there was not a majority of a quorum of any public body present during these discussions.