



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

July 1, 2011

Mr. Derek Schnapp, Director of Public Relations  
University of Illinois at Springfield  
One University Plaza, MS PAC 563  
Springfield, IL 62703-5407

FOIA Pre-Authorization Request - 2011 PAC 14858

Dear Mr. Schnapp:

We have received and reviewed the written notice from the University of Illinois at Springfield (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 June 2, 2011, Nancy J. Scannell submitted a FOIA request for records relating to a \$20,166.00 salary increase for a specific faculty member. The University seeks to withhold certain email messages exchanged by university administrators.

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 University's use of the section 7(1)(f) exemption to withhold the records is **approved**. We have reviewed copies of the email messages, which include draft language and proposed terms for the faculty member's contract and recommendations and discussions regarding those proposed terms. There also is one email message, dated July 6, 2011, in which a University official comments on the finalized terms of the contract in the process of formulating a response to Ms. Scannell's FOIA request. Such records are pre-decisional in nature, and there


Mr. Derek Schnapp  
July 1, 2011  
Page 2

is no indication that the records have been cited by the head of the University. Therefore, we conclude that the University has sustained its initial burden of demonstrating that these records are exempt from disclosure under section 7(1)(f).

Accordingly, the University may issue a partial denial letter and release the remaining records, 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,

A solid black rectangular redaction box covering the signature of Steve Silverman.

STEVE SILVERMAN  
Assistant Attorney General  
Public Access Bureau

14858 preauth al 7(1)(f) prelim draft sa

cc: Ms. Nancy J. Scannell, Ph.D.  
Associate Professor  
Dept. of Business Administration  
College of Business Management  
UHB 4055  
University of Illinois at Springfield  
One University Plaza, MS CBM 4054  
Springfield, IL 62703-5407