



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 5, 2011

Mr. Josh Jones; FOIA Officer
Office of the Attorney General
100 W. Randolph St., 12th Floor
Chicago, IL 60601

FOIA Pre-Authorization Request - 2011 PAC 15094

Dear Mr. Jones:

We have received and reviewed the written notice from the Office of the Attorney General (OAG) 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 17, 2011, [REDACTED] submitted a FOIA request for records concerning a complaint filed with the Civil Rights Bureau of OAG. OAG seeks to withhold two internal memoranda pursuant to section 7(1)(f).

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

OAG's use of the section 7(1)(f) exemption to withhold the internal memoranda is **approved**. We have reviewed copies of the memoranda, which contain preliminary notes and recommendations used to formulate the action to be taken with respect to the complaint. Such records are pre-decisional in nature, and there is no indication that the records have been cited by

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the Attorney General. Therefore, we conclude that OAG has sustained its initial burden of demonstrating that these records are exempt from disclosure under section 7(1)(f).

Accordingly, OAG 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,



STEVE SILVERMAN
Assistant Attorney General
Public Access Bureau

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cc:

