



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 7, 2011

Ms. Carmie O'Leary
FOIA Officer
Village of Oak Lawn
9446 South Raymond Avenue
Oak Lawn, Illinois 60453

RE: FOIA Preauthorization – 2011 PAC 15154

Dear Ms. O'Leary:

We have received and reviewed the written notice from the Village of Oak Lawn of its intention to deny disclosure of certain information requested by Mr. Norman Chimenti pursuant to section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f) (West 2010). Specifically, Mr. Chimenti requested "all of the e-mail correspondence of Trustee Thomas E. Phelan during the period May 1, 2005 through September 1, 2010." The village seeks to withhold some e-mails and accompanying documents under section 7(1)(f) and provided our office with a representative sample of these records.

Section 7(1)(f) exempts from disclosure "[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." This provision "is the equivalent of the 'deliberative process' exemption set forth in section 552(b)(5) of the federal Freedom of Information Act." *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247, 799 N.E.2d 859, 864 (1st Dist. 2003). 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. See *N.L.R.B. v. Sears*, 421 U.S. 132 (1975), *Hoffman v. Ill. Dept. of Corrections*, 158 Ill. App. 3d 473 (1st Dist. 1987).

Ms. Carmie O'Leary
July 7, 2011
Page 2

DETERMINATION

After reviewing the records provided to our office, we have concluded that the records consist of preliminary ideas outlining proposed strategies and recommendations for policy changes by the village. Additionally, there is no evidence that these records have been publicly cited and identified by the president of the Board of Trustees. Based on this analysis, the village has met its initial burden under section 7(1)(f) to withhold the records in question.

If you have any questions, please contact me at 312-793-0865. This correspondence will serve to close this matter.

Very truly yours,



SARA GADOLA GALLAGHER
Assistant Attorney General
Public Access Bureau

15154 pre-auth al 7(1)(f) prelim draft mun

cc: Mr. Norman Chimenti
Clausen Miller PC
2100 Manchester Road, Bldg. C, #1700
Wheaton, Illinois 60187