



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 1, 2011

Via Electronic Mail
Mr. Matthew Vanover
Director of Public Information
Illinois State Board of Education
mvanover@isbe.net

RE: FOIA Pre-Authorization Request - 2011 PAC 15193

Dear Mr. Vanover:

We have received and reviewed the written notice from the Illinois State Board of Education (Board) 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 9, 2011, Mr. Blake Long, on behalf of *WMBD-TV*, submitted a FOIA request to the Board seeking all records relating to "Concept Schools" and information relating to people employed by Quest Charter Academy. On June 29, 2011, the Board submitted its written notice to this office seeking to withhold a single memorandum relating to the Peoria Math, Science and Technology Charter School (Charter School).

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 Board's use of the exemption in section 7(1)(f) to the withhold the memorandum is **approved**. We have reviewed the memorandum furnished to us by the Board and conclude that the information contains recommendations and opinions by the Charter School's staff about various issues facing the Charter School. Accordingly, the Board has met its initial burden to demonstrate that the memorandum falls within the provisions of 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
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