



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 5, 2011

Via Electronic Mail

Mr. Scott Sorrel
Assistant to the County Administrator
County of Peoria
ssorrel@peoriacounty.org

RE: FOIA Pre-Authorization Request – 2010 PAC 9287

Dear Mr. Sorrel:

We have received and reviewed the written notice from the County of Peoria (County) 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 August 18, 2010, [REDACTED] submitted a FOIA request to the County seeking a copy of the Department of Commerce and Economic (DCEO) Opportunity No. Gov. 100019 approval document (herein referred to as grant survey) and all correspondence between County personnel relating to the document.

On August 26, 2010, the County sought our approval to withhold the grant survey and certain internal correspondence pursuant to section 7(1)(f) of FOIA, which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated[.]" 5 ILCS 140/7(1)(f) (West 2010).

DETERMINATIONS

The County's proposed use of section 7(1)(f) to withhold the records responsive to [REDACTED] request is **approved** in part and **denied** in part. The County argues that because it was not selected for the grant that the grant survey remains preliminary and is exempt pursuant to section 7(1)(f). Based on our review of the grant survey, it appears that it contains several documents generated by the County for the express purpose of applying for the DCEO grant. Therefore, these documents cannot be considered preliminary under section 7(1)(f).

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This office has reviewed the emails sent and received by County personnel concerning the grant survey and we conclude these emails do contain preliminary recommendations and opinions and are therefore exempt from disclosure under section 7(1)(f).

The County has not met its initial burden of demonstrating that the documents generated for the grant survey are exempt under section 7(1)(f), and the County must therefore disclose the documents to [REDACTED]. The County may, however, withhold the responsive emails pursuant to section 7(1)(f).

If you have any questions, you may contact me at (312) 814-5383. This correspondence shall serve close this matter.

Very truly yours,

[REDACTED]

MATTHEW C. ROGINA
Assistant Attorney General
Public Access Bureau

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cc:

[REDACTED]