



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

August 5, 2011

*Via Electronic Mail*  
Mr. Thomas Hardy  
Executive Director and Chief Records Officer  
University of Illinois  
[FOIA@uillinois.edu](mailto:FOIA@uillinois.edu)

RE: FOIA Pre-Authorization Request - 2011 PAC 15550

Dear Mr. Hardy:

We have received and reviewed the written notice from the University of Illinois (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 23, 2011, [REDACTED] submitted a FOIA request to the University seeking information relating to the "Technical and Pricing Proposals submitted for RFP ljc1104, Arbitrage Rebate Calculation and Opinion Services." On July 15, 2011, the University submitted its written notice to this office seeking to withhold the scoring sheets. The University supplied us with a copy of the scoring sheets on August 1, 2011.

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 (1<sup>st</sup> Dist. 2003). "[T]he deliberative process privilege protects pre-decisional, deliberative communications that are part of an agency's decision-making process." *Parmelee v. Campanone*, No. 93 C 7362, 1998 WL 704181 (N.D. Ill. October 1, 1998).

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### DETERMINATION

The University's use of the exemption in section 7(1)(f) to withhold the scoring sheets is **approved**. This office has previously concluded that scoring sheets used to select a bidder are deliberative in nature and fall within the provisions of section 7(1)(f). *See* 2011 PAC 15517 (Ill Att'y Gen. PAC Pre-Auth al 15517, issued July 21, 2011, at 2). It appears that the University used the scoring sheets to evaluate bids to aid in selecting a bidder. Therefore, we conclude that the University has sustained its initial burden of demonstrating that the scoring sheets are exempt from disclosure under 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*

cc:

