



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

August 8, 2011

Ms. Hannah Eisner  
First Assistant State's Attorney, Civil Division  
McLean County State's Attorney's Office  
Government Center  
115 East Washington Street, Room 401  
P.O. Box 2400  
Bloomington, Illinois 61702-2400

RE: FOIA Pre-Authorization Request – 2011 PAC 15808

Dear Ms. Eisner:

We have received the written notice from the McLean County State's Attorney's Office (State's Attorney) 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)).

On July 6, 2011, the State's Attorney received a FOIA request from [REDACTED] seeking "any and all letters, memos, e-mails and/or other documented communications between your office and the Bloomington Police Department and/or its agents pertaining to [REDACTED] and/or criminal and/or civil actions pertaining to him" from 2009 to June 10, 2011. The State's Attorney seeks to withhold certain responsive documents under section 7(1)(f), which 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."

**DETERMINATION**

Based on our review of the documents in question, the State's Attorney's assertion of section 7(1)(f) to withhold these documents is **denied**. These documents are not preliminary or pre-decisional in nature. To the contrary, they appear to represent final directives. Therefore, the State's Attorney has not sustained its initial burden of demonstrating that these documents are exempt from disclosure under section 7(1)(f). However, this determination does not preclude the

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State's Attorney's from asserting an applicable exemption in FOIA to deny disclosure of these documents.

If you have any questions, please contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Very truly yours,

A solid black rectangular redaction box covering the signature of Sarah Kaplan.

SARAH KAPLAN  
Assistant Attorney General  
Public Access Bureau

15808 preauth al 71f prelim draft sa

cc:

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