



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

August 18, 2011

Ms. Amber L. Munday  
Attorney for the Town of Cicero  
Del Galdo Law Group, LLC  
1441 S. Harlem Avenue  
Berwyn, Illinois 60804

RE: FOIA Pre-Authorization Request - 2011 PAC 14988

Dear Ms. Munday:

We have received the written notice from the Town of Cicero 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 June 1, 2011, Steve Warmbir of the *Chicago Sun-Times* submitted a request for various records regarding Town officials and employees. The Town is seeking to withhold one internal memorandum.

Section 7(1)(f) of FOIA 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." The section 7(1)(f) exemption applies to "inter- and intra-agency predecisional and deliberative material." *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247 (1st Dist. 2003). The exemption is "intended to protect the communications process and encourage frank and open discussion among agency employees before a final decision is made." *Harwood*, 344 Ill. App. 3d at 248.

**DETERMINATION**

The Town's assertion of the section 7(1)(f) exemption to withhold the memorandum is **denied**. We have reviewed an unredacted copy of the memorandum, which recites a final decision by the Town President. Although the memorandum does express opinions, it is neither pre-decisional in nature nor deliberative material. Accordingly, we


Ms. Amber L. Munday  
August 18, 2011  
Page 2

conclude that the Town has not sustained its initial burden of demonstrating that the memorandum is exempt from disclosure under section 7(1)(f).

The Town also indicates that it intends to redact additional information from the records pursuant to sections 7(1)(b) and 7(1)(n) of FOIA (5 ILCS 140/7(1)(b), (n) (West 2010)). Because advance approval by the Public Access Counselor is not required for the assertion of exemptions other than sections 7(1)(c) (5 ILCS 140/7(1)(c) (West 2010)) and 7(1)(f), we make no determination at this time regarding the applicability of any other exemptions.

If you have any questions, please contact me at (312) 814-6756. This correspondence shall serve to close this matter.

Very truly yours,



STEVE SILVERMAN  
Assistant Attorney General  
Public Access Bureau

14988 preauth dl 7(1)(f) prelim draft sa

cc: Mr. Steve Warmbir, Staff Reporter  
*Chicago Sun-Times*  
350 N. Orleans Street  
Chicago, IL 60654