



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

August 11, 2011

Ms. Janet Binder, FOIA Officer  
Village of Villa Park  
20 S. Ardmore Avenue  
Villa Park, IL 60181-2610

RE: FOIA Pre-Authorization Request - 2011 PAC 15834

Dear Ms. Binder:

We have received and reviewed the written notice from the Village of Villa Park 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 July 25, 2011, Mr. Thomas Hoffman requested records concerning a consulting agreement, specific employees, and a retirement incentive plan. The Village seeks to redact a draft version of a memorandum regarding the retirement incentive plan.

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 Village's assertion of the 7(1)(f) exemption to withhold the draft memorandum is **approved**. We have reviewed a copy of the memorandum, which contains opinions and expresses recommendations regarding the retirement incentive plan. Such records are preliminary and pre-decisional in nature, and there is no indication that the memorandum has been cited by the Village president. Accordingly, we conclude that the Village has sustained its

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initial burden of demonstrating that the memorandum is exempt from disclosure under section 7(1)(f).

The Village also indicates that it intends to redact additional information from the records pursuant to section 7(1)(b) of FOIA (5 ILCS 140/7(1)(b) (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,

A solid black rectangular box redacting the signature of Steve Silverman.

STEVE SILVERMAN  
Assistant Attorney General  
Public Access Bureau

15834 preauth al 7(1)(f) prelim draft county

cc: Mr. Thomas G. Hoffman  
Thomas G. Hoffman Ltd., PC  
205 W Randolph St., Ste. 1320  
Chicago, IL 60606-1813