



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 22, 2011

Mr. Derek Schnapp
FOIA Officer
University of Illinois at Springfield
Office of Campus Relations
Public Affairs Center, Room 565
One University Plaza, MS PAC 563
Springfield, Illinois 62703-5407

RE: FOIA Preauthorization – 2011 PAC 15923

Dear Mr. Schnapp:

We have received the written notice from the University of Illinois at Springfield (UIS) of its intention, pursuant to section 7(1)(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(f) (West 2010)), to deny disclosure of certain information requested by [REDACTED] [REDACTED] requested specific records related to, and a copy of a report prepared by, UIS's Office of Access and Equal Opportunity "in satisfaction of Item 23 of Resolution Agreement # 05-10-2194 * * * between [UIS] * * * and the U.S. Dept. of Education Office for Civil Rights". UIS seeks to withhold survey documents containing "expressed opinions from students" under section 7(1)(f) of FOIA.

Section 7(1)(f) exempts from disclosure "[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, 799 N.E.2d 859, 864 (1st Dist. 2003). The exemption is intended to encourage government officials to openly and frankly discuss matters of governmental concern in order to make informed policy decisions. See *N.L.R.B. v. Sears*, 421 U.S. 132 (1975); *Hoffman v. Ill. Dept. of Corrections*, 158 Ill. App. 3d 473 (1st Dist. 1987).

Mr. Derek Schnapp
August 22, 2011
Page 2

DETERMINATION

UIS's assertion of section 7(1)(f) to withhold the survey documents in question is **approved**. The Public Access Bureau has previously concluded that survey comments solicited to obtain input for formulating actions and policies properly fall within the provisions of section 7(1)(f).¹ Based on our review of the documents² and UIS's written notice, the documents contain opinions from students regarding UIS's athletic programs and were used "as an assessment tool" by UIS in formulating actions and policies. Additionally, there is no evidence that the documents have been publicly cited and identified by the head of the public body. Accordingly, we conclude that UIS has sustained its initial burden of demonstrating that these survey documents are exempt from disclosure under section 7(1)(f).

If you have any questions, please contact me at 312-793-0865. This correspondence shall serve to close this matter.

Very truly yours,



SARA GADOLA GALLAGHER
Assistant Attorney General
Public Access Bureau

15923 pre-auth al 7(1)(f) prelim draft univ

cc:



¹See 2010 PAC 9980 (Ill. Att'y Gen. PAC Pre-Auth al 9980 issued March 3, 2011) (survey in which parents rated and commented on school's tennis program was exempt from disclosure under section 7(1)(f) of FOIA).

²The University provided this office with a 60-page "representative sampling" of the responsive documents at issue.