



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 23, 2011

Via Electronic Mail

Mr. Joshua Jones
Freedom of Information Officer
Office of the Illinois Attorney General
jjones@atg.state.il.us

RE: FOIA Pre-Authorization Request - 2011 PAC 16003

Dear Mr. Jones:

We have received the written notice from the Office of the Illinois Attorney General (OAG) 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 21, 2011, Ms. Amy Pohl, on behalf of the law firm of Jones Day, submitted a FOIA request to the OAG seeking "[r]ecords relating to Qui Tam Intervention." On August 5, 2011, the OAG submitted its written notice to this office seeking to withhold certain memoranda under section 7(1)(f).

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 (1st Dist. 2003). "[T]he deliberative process privilege protects pre-decisional, deliberative communications that are part of an agency's decision-making process." *Parmelee v. Camparone*, No. 93 C 7362, 1998 WL 704181 (N.D. Ill. October 1, 1998). The OAG furnished us with a representative sample of the memoranda it seeks to withhold on August 16, 2011.

Mr. Joshua Jones
August 23, 2011
Page 2

DETERMINATION

The OAG's use of the exemption in section 7(1)(f) to withhold the memoranda is **approved**. We have reviewed the memoranda furnished to us by the OAG, and conclude that the memoranda are deliberative in nature and may therefore be withheld pursuant to section 7(1)(f). Accordingly, the Public Access Bureau finds that the OAG has met its initial burden 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

16003 preauth al 71f prelim sa

cc: *Via Electronic Mail*
Ms. Amy Pohl
Jones Day
akpoj1@jonesday.com