



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 16, 2011

Ms. Kristine Curran, FOIA Officer
Village of Lisle
925 Burlington Avenue
Lisle, Illinois 60532

RE: FOIA Pre-Authorization Request - 2011 PAC 16056

Dear Ms. Curran:

We have received the written notice from the Village of Lisle 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 26, 2011, Patrick J. Kelly requested various records concerning Navistar property and a Tax Increment Financing (TIF) District that encompasses that property. The Village seeks to withhold "planning memoranda or working documents prepared by Kane McKenna and Associates related to the Navistar Property and/or the TIF District[.]"

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 section 7(1)(f) exemption to withhold planning memoranda and working documents prepared by Kane McKenna & Associates is **approved**. We have reviewed copies of the records in questions, which consist of preliminary drafts and

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other documents that contain opinions and recommendations regarding the proposed TIF District. Such records are pre-decisional in nature, and the Village has asserted that the records have not been publicly cited. Accordingly, we conclude that the Village has sustained its initial burden of demonstrating that these records are exempt from disclosure under section 7(1)(f).

Therefore, the Village may issue a partial denial letter and release the remaining records, if it has not already done so. 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 redaction box covering the signature of Steve Silverman.

STEVE SILVERMAN
Assistant Attorney General
Public Access Bureau

16056 preauth al 7(1)(f) prelim draft mun

cc: Mr. Patrick J. Kelly
Law Offices of Helm & Wagner
804 N. Washington St.
Naperville, IL 60563