



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 23, 2011

Via Electronic Mail

Mr. Winkle Hong
Attorney
Independent Police Review Authority
Winkle.Hong@iprachicago.org

RE: FOIA Pre-Authorization Request - 2011 PAC 16081

Dear Mr. Hong:

We have received and reviewed the written notice from the Chicago Independent Police Review Authority (IPRA) of its intention to withhold a document from disclosure pursuant to section 7(1)(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(f) (West 2010), as amended by Public Acts 97-333, effective August 12, 2011; 97-385, effective August 15, 2011. Specifically, on July 22, 2011, Mr. Jalpit Amin, on behalf of Hamilton Law Office, LLC, submitted a FOIA request to IPRA seeking the following:

1. Rules and regulations promulgated by [IPRA] since its creation; and
2. Any and all recommendations made to the City Council by [IPRA] since its creation.

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). On August 18, 2011, IPRA furnished to us a copy of the October 20, 2010,

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memorandum that it seeks to withhold. The memorandum appears to have been drafted with the intention of being presented at an October 20, 2010, Committee on the Budget (Committee) meeting.


In an August 19, 2011, conversation with a representative of this office, IPRA informed us that the memorandum was never presented to the Committee and thus, remains a preliminary document under section 7(1)(f).

DETERMINATION

IPRA's assertion of the exemption in section 7(1)(f) to withhold the memorandum is **approved**. The Public Access Bureau has reviewed the memorandum and we have concluded that it is preliminary in nature and falls within the scope of section 7(1)(f). Accordingly, this office finds that the IPRA has met its initial burden under section 7(1)(f) to withhold the memorandum.

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

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