



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 23, 2011

Mr. Kevin Gordon
Scariano, Himes and Petrarca, Chtd.
2 Prudential Plaza, Suite 3100
180 North Stetson
Chicago, Illinois 60601-6702

RE: FOIA Pre-Authorization Request – 2011 PAC 16149

Dear Mr. Gordon:

We have received the written notice from you on behalf of the Board of Education of Community Consolidated School District No. 46 of its intention to deny disclosure of certain information as exempt under 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).

On June 3, 2011, [REDACTED] submitted a FOIA request to the District that included several numbered requests, including a request for "[a]ll emails to & from PTO Presidents from Feb 1, 2011 – April 30, 2011. Please exclude all email about students and personal information." The District seeks pre-authorization to withhold several of the responsive emails pursuant to section 7(1)(f).

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."

DETERMINATION

Based on our review of the emails in question, the District's assertion of the exemption in section 7(1)(f) to withhold the emails is **approved**. These emails contain preliminary deliberations that were part of the District's decision-making process. The District asserted that these emails have not been publicly cited or identified by the head of the public

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body. Therefore, the District has sustained its initial burden of demonstrating that these emails are exempt under section 7(1)(f).

If you have any questions, please contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Very truly yours,



SARAH KAPLAN
Assistant Attorney General
Public Access Bureau

16149 preauth al 71f prelim draft sd

cc:

