



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 23, 2011

Ms. Paula Marley
Freedom of Information Administrator
City of Decatur
1 Gary K. Anderson Plaza
Decatur, Illinois 62523

RE: FOIA Pre-Authorization Request - 2011 PAC 16151

Dear Ms. Marley:

We have received the written notice from the City of Decatur (City) of its intention to withhold documents 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 19, 2011, Ms. Elizabeth Balderas, on behalf of the Illinois Senate Democrats, submitted a FOIA request to the City seeking, among other information, communications sent or received by Mayor Mike McElroy. On August 12, 2011, the City submitted its written notice to this office seeking to withhold from disclosure a number of emails sent and received by the Mayor. The City supplemented its written notice by furnishing copies of the emails.

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).

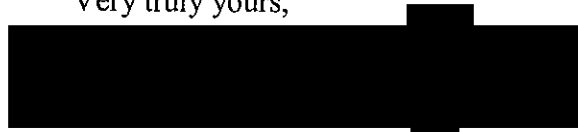
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DETERMINATION

The City's assertion of the exemption in section 7(1)(f) to withhold the emails is **approved**. The Public Access Bureau has reviewed the emails furnished to us by City and we conclude that they are deliberative in nature and express opinions and recommendations about several proposed projects and policies.

As a result, this office finds that the City has met its initial burden under section 7(1)(f) and may withhold the emails. If you have any questions, you may contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Very truly yours,

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes.

MATTHEW C. ROGINA
Assistant Attorney General
Public Access Bureau

16151 preauth al 71f prelim mun

cc: Ms. Elizabeth Balderas
Illinois Senate Democrats
29 S. LaSalle Street
Chicago, Illinois 60603