



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 23, 2011

Via Electronic Mail

Ms. Suzanne Yokley-Bond
Interim Chief Legal Counsel
Illinois State Police
Suzanne_Yokley-Bond@isp.state.il.us

RE: FOIA Pre-Authorization Request - 2011 PAC 16159

Dear Ms. Yokley-Bond:

We have received and reviewed the written notice from the Illinois State Police (ISP) of its intention to withhold a record 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 29, 2011, Ms. Kristen Zambo, formerly of the *Daily Journal*, submitted a FOIA request to ISP seeking "[a] copy of the email sent between July 25, 2011, and July 27 2011, to Illinois State Police staff at District 21 * * *" and "[a] copy of the existing lease agreement between Michael 'Mike' Meier/Meier Oil Service Inc. and the state for the building at 951 E. U.S. Highway 45, Ashkum * * *." On August 12, 2011, ISP submitted its written notice to this office seeking to withhold a July 26, 2011, email pursuant to section 7(1)(f). ISP also furnished us a copy of the email it seeks to withhold.

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

ISP's assertion of the exemption in section 7(1)(f) to withhold the email is **approved**. The Public Access Bureau has reviewed the email furnished to us by ISP and we conclude that it is deliberative in nature and expresses opinions and recommendations. Accordingly, ISP has met its initial burden under section 7(1)(f) and may withhold the email.

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 covering the signature of Matthew C. Rogina.

MATTHEW C. ROGINA
Assistant Attorney General
Public Access Bureau

16159 preauth al 71f prelim sa

cc: *Via Electronic Mail*
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