



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 2, 2011

Mr. James Bowden
Village Administrator
Village of Channahon
24555 South Navajo Drive
Channahon, Illinois 60410

RE: FOIA Pre-Authorization Request – 2011 PAC 15567

Dear Mr. Bowden:

We have received the written notice from the Village of Channahon 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)). On June 30, 2011, Mr. Brad Bettenhausen, Treasurer of the Village of Tinley Park, submitted a FOIA request to the Village seeking documents relating to agreements between the Village and various businesses. The Village asserts that certain of the responsive documents are exempt under section 7(1)(f). Specifically, the Village seeks to withhold correspondence from companies to the Village regarding retailers, which correspondence was considered by the Village in making decisions concerning those retailers.

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

The Village's assertion of section 7(1)(f) to withhold the correspondence in question is **approved**. Based on the Village's explanation, these documents were produced for the Village's use in determining which businesses to include in its agreements. Therefore, these documents are pre-decisional in nature and were used to formulate the Village's actions. The Village asserts that these documents have never been publicly cited or identified by the Village

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President. We conclude that the Village has sustained its initial burden of demonstrating that the withheld correspondence is exempt under section 7(1)(f).

The Village may issue a partial denial letter directly to Mr. Bettenhausen and provide the non-exempt documents to him, if it has not done so already. If you have any questions, please contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Very truly yours,

A solid black rectangular redaction box covering the signature of Sarah Kaplan.

SARAH KAPLAN
Assistant Attorney General
Public Access Bureau

15567 preauth al 71f prelim draft mun

cc: Mr. Brad Bettenhausen
Treasurer
Village of Tinley Park
16250 Oak Park Avenue
Tinley Park, Illinois 60477