



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 1, 2011

Ms. Robin Kaler
FOIA Officer
University of Illinois at Urbana-Champaign
507 East Green Street, Suite 313
Champaign, Illinois 61820

RE: FOIA Preauthorization – 2011 PAC 15634

Dear Ms. Kaler:

We have received and reviewed the written notice from the University of Illinois of its intention, pursuant to section 7(1)(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(f) (West 2010)), to deny disclosure of certain information requested by [REDACTED] of the Office of Student Financial Aid's veterans' services program. Specifically, [REDACTED] requested records related to reasonable accommodations under the Americans With Disabilities Act. The University seeks to withhold "a portion of the documents being requested" under section 7(1)(f) of FOIA.

Section 7(1)(f) exempts from disclosure "[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." This provision "is the equivalent of the 'deliberative process' exemption set forth in section 552(b)(5) of the federal Freedom of Information Act." *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247, 799 N.E.2d 859, 864 (1st Dist. 2003). 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. See *N.L.R.B. v. Sears*, 421 U.S. 132 (1975); *Hoffman v. Ill. Dept. of Corrections*, 158 Ill. App. 3d 473 (1st Dist. 1987).

DETERMINATION

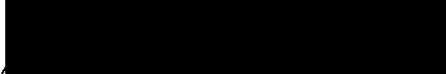
The University's use of the section 7(1)(f) exemption with regard to the "portion of the documents being requested" is **denied**. The University has failed to provide this office with a detailed summary of its basis for withholding these documents under section 7(1)(f) or

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even identify the type of documents it wishes to withhold. As a result, the University has failed to meet its initial burden under section 7(1)(f) to withhold the records in question and should immediately release the records to Mr. Woods.

If you have any questions, please contact me at 312-793-0865. This correspondence will serve to close this matter.

Very truly yours,


SARA GADOLA GALLAGHER
Assistant Attorney General
Public Access Bureau

15634 pre-auth dl 7(1)(f) prelim draft univ

cc: Mr. Robert V. Woods
OSFA Veterans' Services
620 East John Street
Champaign, Illinois 61820