



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 3, 2011

Ms. Ana Vainisi
Deputy City Clerk
City of Warrenville
28W701 Stafford Place
Warrenville, Illinois 60555

RE: FOIA Preauthorization – 2011 PAC 15696

Dear Ms. Vainisi:

We have received and reviewed the written notice from the City of Warrenville (City) 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 Ms. Maryam Judar. Specifically, Ms. Judar requested copies of any communications involving the City or DuPage County with respect to "the Fawell Dam or the Fawell Dam Gates Full Open Study FEQ Model between DuPage County and the City." The City seeks to withhold information contained in an attachment to a letter 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 City's assertion of section 7(1)(f) to withhold the information in the attachment is approved. Based on the City's assertions and our review of the attachment, the information involves preliminary findings and conclusions by a workgroup formed to study

Ms. Ana Vainisi
August 3, 2011
Page 2

issues related to Fawell Dam. Additionally, there is no evidence that this information has been publicly cited and identified by the mayor. Thus, the City has met its initial burden to withhold the information in question under section 7(1)(f).

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

15696 pre-auth al 7(1)(f) prelim draft mun

cc: Ms. Maryam Judar
Community Lawyer
Citizen Advocacy Center
182 North York Street
Elmhurst, Illinois 60126