



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 25, 2011

Mr. Dean Bissias
Freedom of Information Officer
Park District of LaGrange
536 East Avenue
LaGrange, Illinois 60525

RE: FOIA Pre-Authorization Request - 2011 PAC 14758

Dear Mr. Bissias:

We have received the written notice from the Park District of LaGrange (District) 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 June 10, 2011, [REDACTED] submitted a FOIA request to the District seeking "communications by or to the consultant or District regarding the design of revisions to Gordon Park, any records of Board deliberations regarding that design, and any changes made to the design since September 16, 2010." On June 20, 2011, this office sent a further review letter to the District and requested a copy of the records that it seeks to exempt from disclosure under section 7(1)(f).¹ The District furnished to this office copies of 11 emails and attachments on June 29, 2011.²

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.

¹Letter from Amanda Lundeen, Assistant Attorney General, Office of the Illinois Attorney General to Dean Biffias, FOIA Officer, Park District of LaGrange (June 20, 2011).

²Letter from Dean Biffias, FOIA Officer, Park District of LaGrange to Amanda Lundeen, Assistant Attorney General, Office of the Illinois Attorney General (June 29, 2011).

Mr. Dean Bissias
August 26, 2011
Page 2

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).

DETERMINATION

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

As a result, this office finds that the District 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



MATTHEW C. ROGINA
Assistant Attorney General
Public Access Bureau

14758 preauth al 71f prelim mun

cc:

