



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 24, 2011

Ms. Jessica Drahos
Assistant State's Attorney
Office of the McHenry County State's Attorney
2200 North Seminary Avenue
Woodstock, Illinois 60098

RE: FOIA Pre-Authorization Request – 2011 PAC 15841

Dear Ms. Drahos:

We have received the written notice from the McHenry County State's Attorney's Office (State's Attorney) 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), as amended by Public Acts 97-333, effective August 12, 2011; 97-385, effective August 15, 2011).

On June 15, 2011, [REDACTED] submitted a FOIA request to the State's Attorney seeking "all email sent and received by [State's Attorney Louis] Bianchi 3-1-11 thru [sic] 3-15-11." The State's Attorney seeks to withhold seventeen (17) of the responsive emails under section 7(1)(f) of FOIA. In its written notice, the State's Attorney explained that one of these emails formulates the State's Attorney's policy on distribution of police reports to the McHenry County Probation Department, and the other sixteen (16) were used in formulating actions on legal issues.

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

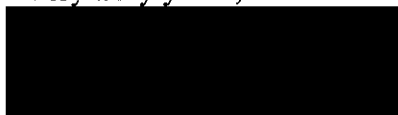
Based on our review of the documents in question, the State's Attorney's assertion of the exemption in section 7(1)(f) to withhold the emails is **approved**. These emails record the

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State's Attorney's decision-making process and include opinions of staff. The State's Attorney has asserted that these emails have not been publicly cited or identified by the McHenry County State's Attorney. Therefore, the State's Attorney has sustained its initial burden of demonstrating that these emails are exempt under section 7(1)(f).

If you have any questions, please contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Very truly yours,



SARAH KAPLAN
Assistant Attorney General
Public Access Bureau

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cc:

