



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 24, 2011

Ms. Kanika Hendricks, FOIA Officer
Peoria Public Schools
3202 N. Wisconsin Avenue
Peoria, Illinois 61603

RE: FOIA Pre-Authorization Request - 2011 PAC 16229

Dear Ms. Hendricks:

We have received the written notice from Peoria Public Schools (PPS) of its intention to deny disclosure of certain information 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). On August 4, 2011, Kasey Groenewold requested copies of all surveys that school campus police officers completed and provided to School Safety Administrator Greg Collins. PPS seeks to withhold the surveys in their entirety.

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." The section 7(1)(f) exemption applies to "inter- and intra-agency predecisional and deliberative material." *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247 (1st Dist. 2003). The exemption is "intended to protect the communications process and encourage frank and open discussion among agency employees before a final decision is made." *Harwood*, 344 Ill. App. 3d at 248.

DETERMINATION


PPS's assertion of section 7(1)(f) to withhold the surveys is **approved**. We have reviewed a copy of the survey, which solicits campus police officers' opinions regarding their current assignment and future placement preferences. PPS's FOIA Officer clarified in a

Ms. Kanika Hendricks
August 24, 2011
Page 2

telephone conversation with a representative of the Public Access Bureau that the survey results will be considered by PPS in determining campus police officers' assignments. Such records are pre-decisional in nature, and there is no indication that the superintendent of PPS has publicly cited and identified the surveys. Further, the Public Access Bureau has previously determined that public employee opinion surveys that are considered in the process of formulating decisions are exempt from disclosure under section 7(1)(f). Ill. Att'y Gen. PAC Pre-Auth. al13448, issued April 11, 2011; Ill. Att'y Gen. PAC Pre-Auth. al5558, issued August 18, 2010. Accordingly, we conclude that PPS has sustained its initial burden of demonstrating that these surveys are exempt from disclosure pursuant to section 7(1)(f).

If you have any questions, please contact me at (312) 814-6756. This letter shall serve to close this matter.

Very truly yours,



STEVE SILVERMAN
Assistant Attorney General
Public Access Bureau

16229 preauth al 7(1)(f) prelim draft mun

cc: Mr. Kasey Groenewold
Policemen's Benevolent & Protective Association
Labor Committee
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