



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 12, 2010

Ms. Rita Elsner
Assistant Village Attorney
Village of Schaumburg
101 Schaumburg Court
Schaumburg, Illinois 60193-1899

RE: Pre-Authorization Request – 2010 PAC 6621

Dear Ms. Elsner:

We have received and reviewed the written notice from the Village of Schaumburg (Village) of its intent to deny disclosure of certain information under the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

██████████ submitted a FOIA request to the Village dated March 25, 2010, seeking the following:

Any and all village records Pertaining to JBK Construction of Schaumburg Inc., JBK Construction Inc. All Records of the Investigation Done by John Sutfin or any other person in the Community Development Department, Building Department or [any] other Village Department that has investigated the above mentioned company to include the owner William Keegan, Bill Keegan. All information to Include who was Interviewed and the content of those Interviews The basis for the contact and Purpose of the Investigations.

In its written notice, the Village asserted that certain e-mail correspondence between Village employees and comments by Village employees on customer service request logs are exempt from disclosure under subsection 7(1)(f) of FOIA as “preliminary” information. The Village provided to us copies of the records in question.

Subsection 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 Village’s use of the exemption in subsection 7(1)(f) with regard to these records is **approved**. The e-mail correspondence and comment logs in question are records in which Village employees express opinions and formulate actions related to a matter involving Mr. Keegan. There is no indication that these

records have been publicly cited or identified by the Village President. Thus, the records are exempt from disclosure under subsection 7(1)(f) of FOIA.

As such, the Village should issue a partial denial letter directly to [REDACTED]. Should you have questions or concerns, please feel free to contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: [REDACTED]

Sara Gadola Gallagher
Deputy Public Access Counselor

cc: [REDACTED]