



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 14, 2010

Ms. Meg Gorman
FOIA Officer
Village of Oak Lawn
9446 South Raymond Avenue
Oak Lawn, Illinois 60453

RE: Pre-Authorization Request – 2010 PAC 6680

Dear Ms. Gorman:

We have received and reviewed the written notice from the Village of Oak Lawn (Village) of its intent to deny disclosure of certain e-mail correspondence as exempt from disclosure under subsection 7(1)(f) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

SouthtownStar reporter [REDACTED] submitted a FOIA request to the Village dated March 12, 2010, seeking e-mail correspondence for a "one calendar year" period between Burt Odelson and Trustees Bob Streit, Tom Phelan and Alex Olejniczak; between Mr. Odelson and Village Manager Larry Deetjen; and between Mr. Deetjen and Mr. Phelan. In its written notice, the Village asserted that some of the e-mail correspondence is exempt from disclosure under subsection 7(1)(f) of FOIA as "preliminary drafts, notes, recommendations, memoranda or other records in which opinions are expressed or policies or actions are formulated." The Village further asserted, in part:

These records illustrate the very nature of the deliberative process that occurs between village officials in formulating policies and actions. In this village's form of government, the village manager is the chief administrator of the village and solicits the opinions and thoughts of his administrative team and the Board of Trustees. Further, budget issues and policies are formulated and enacted from the elected board via public action and votes. Often times, this also requires a deliberative process between staff and them as a group and individually.

Subsection 7(1)(f) of FOIA exempts from disclosure 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."

Based on the Village's assertions, its use of the subsection 7(1)(f) exemption with respect to the e-mail correspondence in question is **approved**. The e-mail correspondence, which the Village provided to us, contains the exchange of opinions between Village trustees and the Village Manager in the course of formulating action on Village matters. Additionally, the Village has asserted that none of the e-mail correspondence in question has been publicly cited or identified by the Village President. Thus, the e-mail correspondence is 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 directly 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]