



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 6, 2010

Mr. John Costello
FOIA Officer
Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706

RE: Pre-Authorization Request – 2010 PAC 7076

Dear Mr. Costello:

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

██████████ submitted a FOIA request seeking copies of “any and all communications to/from Cara Smith relating to the recent FOIA amendment”. In its written notice, the Office asserted that certain “e-mail communications among staff members of this office” and “a number of draft documents exchanged among staff members of this office” are exempt from disclosure under subsection 7(1)(f) of FOIA.

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 Office’s use of the exemption in subsection 7(1)(f) with regard to the aforementioned information is **approved**. According to the Office, the records in question are those in which staff members have expressed opinions as part of an effort to formulate policy or decide a course of action. Additionally, there is no evidence that these records have been publicly cited or identified by the Attorney General. Thus, the records are exempt from disclosure under subsection 7(1)(f) of FOIA. As such, the Office should issue a partial denial letter directly to ██████████. 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,


Sara Gadola Gallagher
Deputy Public Access Counselor

cc: ██████████