



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 11, 2011

Christina Sayles
Freedom of Information Officer
Southern Illinois University Carbondale
Budget Office
Mail Code 4313
Carbondale, IL 62901

RE: Pre-Authorization Request – 2011 PAC 11966

Dear Ms. Sayles:

We have received and reviewed the written notice from Southern Illinois University Carbondale (SIUC) of its intention to deny disclosure of certain information pursuant to the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

Specifically, on January 4, 2011, [REDACTED] submitted a FOIA request to SIUC seeking the following information:

1. A copy of the notes written during all exit interviews of elementary, special education and early childhood students for the last three academic years (Fall 2010; Fall and Spring 2009-2010, and Fall and Spring 2008-2009] that were written by Lynn Smith, Rose Moroz, Ann Garrett, Louise Steams or any other faculty or staff member attending those meetings.
2. A copy of the recordings of the meetings of all exit interviews of elementary, special education and early childhood students for the last three academic years (Fall 2010; Fall and Spring 2009-2010, and Fall and Spring 2008-2009] that were written by Lynn Smith, Rose Moroz, Ann Garrett, Louise Steams or any other faculty or staff member attending those meetings.

In its written notice, SIUC asserts that the written notes, taken by various faculty members and staff of statements made by graduating students at the exit interviews, have been withheld from disclosure pursuant to Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)). SIUC further noted that certain statements contained within the withheld records are also exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)).

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On January 31, 2011, a representative from this Office contacted SIUC, requesting a copy of the records that SIUC is seeking to withhold from disclosure pursuant to Sections 7(1)(f) and 7(1)(c) of FOIA. On February 7, 2011, SIUC provided the withheld records for our review.

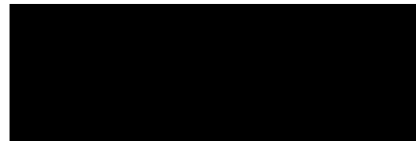
Determination

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.”

SIUC’s use of Section 7(1)(f) exemption to withhold the requested notes, in their entirety, is approved. We have determined that the withheld documents contain opinions and recommendations solicited and utilized by SIUC in formulating actions and/or policies regarding its educational programs. Moreover, there is no indication that this information has been publicly cited or identified by the President of SIUC. Accordingly, SIUC has met its initial burden of demonstrating that the notes are exempt from disclosure under Section 7(1)(f) of FOIA. Please note that, because we have determined that the entire notes can be withheld under Section 7(1)(f), we will not address the issue of whether certain statements in the notes are also exempt under Section 7(1)(c) of FOIA.

If you have any questions or concerns, please feel free to contact me directly at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,



Tola Sobitan
Assistant Public Access Counselor

cc:



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