



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 10, 2011

Mr. Khang P. Trinh
Cook County Assessor's Office
118 N. Clark Street, Room 320
Chicago, IL 60602

RE: FOIA Pre-Authorization Request -- 2011-PAC-12247

Dear Mr. Trinh:

We have received and reviewed the written notice from the Cook County Assessor's Office (Assessor) of its intention to withhold certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

Specifically, on December 15, 2010, [REDACTED] submitted a FOIA request to the Assessor seeking information relating to the appraisal of the property at 3531 W. 194th Street, Homewood, IL 60430.

On January 31, 2011, the Assessor submitted a Notice of Intent to Deny to this Office explaining that a portion of this information sought by [REDACTED] is exempt from disclosure pursuant to Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)), which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies 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."

On March 1, 2011, the Assessor submitted to this Office copies of the documents that it seeks to withhold pursuant to Section 7(1)(f). In the letter, the Assessor also states that it will furnish [REDACTED] with additional documents that are available on the Assessor's website.¹

¹ The Assessor identified this in his letter as Pages 6B-9B.

Determinations

The Assessor's request for approval of its decision to withhold information pursuant to Section 7(1)(f) is approved in part and denied in part. The Section 7(1)(f) exemption is intended to encourage government officials to openly and frankly discuss matters of governmental concern in order to make informed policy decisions. See *N.L.R.B. v. Sears*, 421 U.S. 132 (1975), *Hoffman v. Ill. Dept. of Corrections*, 158 Ill.App.3d 473, 511 N.E.2d 759 (1st Dist. 1987).

Our review of the documents that the Assessor seeks to withhold indicates that several of the documents contain opinions and recommendations by the Assessor about a particular property. These documents properly fall within the scope of Section 7(1)(f).²

The Assessor, however, may not withhold the document referred to in the March 1, 2010 letter as the "Result Letter." The Assessor indicates that this letter is mailed to the taxpayer and is a decision that results from several worksheets. Therefore, this document appears to be a final product and accordingly does not fall within the scope of Section 7(1)(f).

Please be advised that the Assessor must submit its Notice of Intent to Deny within 5 days of receipt of the FOIA request. (5 ILCS 140/9.5(b)). In this instance, [REDACTED] submitted his FOIA request on December 15, 2010 and the Assessor's Notice of Intent to Deny was not submitted until January 31, 2011.

In summary, the Assessor has met its initial burden of demonstrating that certain documents that express opinions about a property are exempt from disclosure pursuant to Section 7(1)(f). The Assessor, however, must disclose the Result Letter to [REDACTED] together with any documents that have been publicly cited and identified by the Assessor.³ Should you have any questions or concerns, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

[REDACTED]
Matthew C. Rogina
Assistant Public Access Counselor

cc: [REDACTED]

12247 pre-auth al dl 7(1)(f) draft

² These documents are identified in the Assessor's March 1 letter as Pages 1A, 2A, 4B-5B and 10B-16B.

³ This would also include Pages 6B-9B.