



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 11, 2011

Mr. Thomas Reuter
Freedom of Information Act Officer
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794

RE: Pre-Authorization Request – 2011 PAC 12682

Dear Mr. Reuter:

We have reviewed the written notice from the Illinois Environmental Protection Agency (Illinois EPA) of its intention to deny disclosure of certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA), 5 ILCS 140/7(1)(f).

On January 28, 2011, Jing Gabriel, on behalf of ARCADIS, submitted a FOIA request to IEPA seeking copies of information relating to the Farmers Bank of Geneseo.

In its February 28, 2011 Notice of Intent to Deny, the IEPA asserted that a single memorandum and supporting diagrams are exempt from disclosure pursuant to Section 7(1)(f) of FOIA, which exempts from inspection and copying “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions 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.”

Determination

The IEPA’s request for approval of its decision to withhold the information pursuant to Section 7(1)(f) is approved. 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).

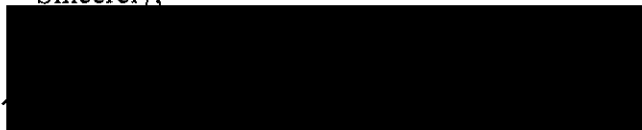
This Office has reviewed the memorandum and the supporting diagrams that IEPA seeks to withhold and we have concluded that they consist of a recommendations by the Bureau of Land to help assist IEPA about a course of action with regard to the site.

Additionally, there is no evidence that these documents have been publicly cited and identified by the head of the public body. 5 ILCS 140/7(1)(f).

Accordingly, we find that IEPA has met its initial burden under Section 7(1)(f) and may withhold the documents.

If you have any questions, please feel free to contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Sincerely,



Matthew C. Rogina
Assistant Public Access Counselor

cc: Ms. Jing Gabriel
ARCADIS
10 Riverside Plaza, Suite 1900
Chicago, Illinois 60606

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