



**OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS**

Lisa Madigan  
ATTORNEY GENERAL

March 15, 2011

Ms. Melanie Overend  
Bloomington-Normal Public Transit Systems  
351 Wylie Drive  
Normal, Illinois 61761

RE: FOIA Request for Review 2011 PAC 12709

Dear Ms. Overend:

We have received and reviewed the written notice from the Bloomington-Normal Public Transit Systems of its intent to withhold records requested by Mr. Mick Ferrell, President of Amalgamated Transit Workers Union Local 752 as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. Mr. Ferrell had requested records concerning the separation and compensation of the System's former general manager.

The System represents that it has disclosed a copy of the separation agreement between the System and its former manager to Mr. Ferrell, and it does not claim that the agreement is exempt from disclosure under FOIA. The System asserts, however, that certain responsive e-mails are exempt under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)), which exempts from disclosure "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies and actions are formulated."

After carefully reviewing the e-mails in question, we conclude that all but three are exempt under Section 7(1)(f) because they are predecisional records in which opinions are expressed and policies and actions are formulated. Accordingly, the request to assert an exemption under Section 7(1)(f) is approved with respect to most of the e-mails. The request is denied with respect to a January 30, 2011 e-mail from Mary Caisley to Mark Peterson, a February 9 e-mail from Mary Caisley to Mark Peterson, and a February 9, 2011 e-mail from Mark Peterson to Mary Caisley.

If you have any questions, please feel free to contact me at 312-814-2770. This correspondence

will serve to close the matter.

Sincerely,



John Schmidt  
Assistant Public Access Counselor

cc: Mr. Mick Ferrell  
President  
Amalgamated Transit Workers Union  
Local 752  
309 S. Vale St.  
Bloomington, Illinois 61701

12709 pre-auth al/dl 7(1)(f) prelim draft reg auth