



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

Lisa Madigan
ATTORNEY GENERAL

July 13, 2010

Dr. James Stelter
Associate Superintendent
Bensenville Elementary School District 2
210 South Church Road
Bensenville, IL 60106

RE: Pre-Authorization Request – 2010 PAC 6748

Dear Dr. Stelter:

We have received and reviewed the written notice from the Bensenville Elementary School District 2 ('School District') of its intention to deny disclosure of certain information pursuant to Section 7(1)(f) of the Freedom of Information Act ('FOIA'). 5 ILCS 140/7(1)(f).

On March 25, 2010, [REDACTED] submitted a FOIA request to the School District seeking copies of the entire contents of her personnel files located in both the Bensenville School District office and W.A. Johnson School. In its written notice, the School District asserts that the Principal's handwritten notes contained within the requested records are exempt from disclosure under Section 7(1)(f) of FOIA.

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."

The School District's use of the Section 7(1)(f) exemption with regard to the Principal's handwritten notes is **approved**. We have determined that the handwritten notes, taken by the Principal during her meetings with [REDACTED] are pre-decisional materials that were used by the School District in creating certain observation reports concerning [REDACTED]. Further, the School District has indicated that none of these handwritten notes have been publicly cited or identified by the head of the School District. Accordingly, the School District has met its burden of demonstrating that the handwritten notes are exempt from disclosure under Section 7(1)(f) of FOIA.

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

Sincerely,

Cara Smith
Public Access Counselor

By:



Tola Adewola
Assistant Public Access Counselor

cc:

