



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 22, 2010

Ms. Joyce E. Schifferer
Freedom of Information Officer
Gail Borden Public Library District
270 N. Grove Ave.
Elgin, IL 60047

Dear Ms. Schifferer:

RE: FOIA Pre-Approval Request – No. 7974

We have received and reviewed the written notice from the Gail Borden Public Library District of its intention to deny the request of [REDACTED] for an audiotape of a Board meeting. The District seeks approval of the Public Access Counselor to withhold the audiotape pursuant to Section 7(1)(f) of the Freedom of Information Act (FOIA) because they constitute preliminary drafts, notes, recommendations, and/or memoranda in which opinions are expressed or policies or actions are formulated.

As a result of this review, we have determined that the information is not exempt under Section 7(1)(f) because the tape is not a preliminary draft of the meeting minutes. Instead, it is a tool used to help create the minutes. It would be anomalous to conclude that the tape could be withheld under FOIA when the Open Meetings Act allows members of the public to attend such meetings and to tape them. 5 ILCS 120/2.05.

The District also claims that the information is exempt from disclosure under FOIA because it is not a public record. 5 ILCS 140/2(c). The District does not need preauthorization from the Public Access Counselor to deny a FOIA request on this basis.

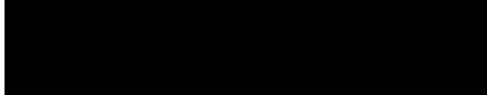
If you have any questions, please feel free to contact me at 312-814-2770. This correspondence

will serve to close the matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


John Schmidt
Assistant Attorney General

cc:

