



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

June 24, 2010

George Logan  
Acting Freedom of Information Officer  
Illinois Department of Revenue  
101 W. Jefferson, MC 5-500  
Springfield, Illinois 62702

Re: Pre-Authorization Request 2010 PAC 8034

Dear Mr. Logan:

We have received and reviewed the written notice from the Illinois Department of Revenue (Department) of its intention to deny disclosure of certain documents as exempt under Section 7(1)(f) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended (FOIA).

Thomas F. Foley, Jr. of Penn Credit Corporation submitted a FOIA request on June 10, 2010 seeking the individual score sheets related to the evaluation of all proposals received regarding the solicitation for FY11-14 Collection/Litigation Services. In its written notice, the Department advises that the responsive documents are "...ones of the scoring committee that were used to determine the final combined scoring of the proposals." The Department asserts that these documents are exempt under Section 7(1)(f) of FOIA as "...they are 'preliminary document[s] in relationship to the eventual and final decision' made by the Department concerning the selection of vendors for contract awards under the solicitation in question. *See Harwood v. McDonough*, 344 Ill. App.3d 242 (1st Dist. 2003)."

Section 7(1)(f) of FOIA exempts from disclosure records that constitute "[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 shall not be exempt when the record is publicly cited and identified by the head of the public body." 5 ILCS 140/7(1)(f).

Determination

The Department's use of the exemption in Section 7(1)(f) of FOIA to deny disclosure of the individual scoring sheets is approved. We have reviewed the documents provided by the Department and have determined that they consist of scoring sheets which contain the opinions and recommendations of individual Department staff members, which the Department advises

were used to determine the final combined scores of each proposal. Thus, these documents are considered exempt from disclosure under Section 7(1)(f) of FOIA.

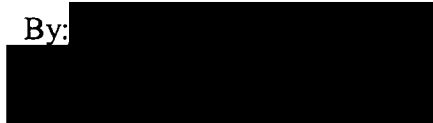
Accordingly, the Department may issue a denial letter withholding these documents from disclosure.

If you have any questions, please feel free to contact me at (312) 814-1003. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:



Jessica O'Leary  
Assistant Attorney General

cc: Thomas F. Foley, Jr.  
Chief Operating Officer  
Penn Credit Corporation  
916 S. 14<sup>th</sup> Street  
P.O. Box 988  
Harrisburg, Pennsylvania 17108-0988