



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

Lisa Madigan
ATTORNEY GENERAL

June 28, 2010

Ms. Robin Kaler
University of Illinois at Urbana-Champaign
FOIA Officer/Associate Chancellor for Public Affairs
507 E. Green St., Suite 313
Champaign, IL 61820

RE: FOIA Pre-approval Request – 2010 PAC 8046

Dear Ms. Banister:

We have received and reviewed the written notice from the University of Illinois Department of Public Affairs (University) of its intention to assert the Section 7(1)(f) exemption in response to a Freedom of Information Act (FOIA) request dated June 1, 2010 from Mr. Daniel G. O'Day (Requester), an attorney with the law firm of Cusack, Gilfillan & O'Day, LLC. The request sought, among other things, "the Judges' information that has been selected for the Peoria County 4H show." The University contends that "in advance of the actual show, disclosure of the judges would risk the integrity of the judging process [, because it] would permit those so inclined to contact and influence those judging the show."

Section 7(1)(f) of the Freedom of Information Act allows withholding of:

[p]reliminary drafts, notes, recommendations, memoranda or other documents 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. 5 ILCS 140/7(1)(f).

The University has not met its burden to justify its proposed non-disclosure of responsive records in this matter pursuant to the Section 7(1)(f) exemption. Even assuming *arguendo* that disclosure of the identity of these judges may risk the integrity of the judging process, this alone does not suffice to satisfy the University's burden. Disclosing the identity of these judges, as opposed to the substance of their deliberations, in no way constitutes the disclosure of "preliminary drafts, notes, recommendations, memoranda or other documents in which opinions are expressed, or policies or actions are formulated." Therefore, the University's proposed use of the Section 7(1)(f) exemption is denied in this case.

If you have any questions, please feel free to contact me at (217) 782-9078. This letter shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: 

Matthew M. Sebek
Assistant Attorney General, Public Access Division

cc: Mr. Daniel G. O'Day
Cusack, Gilfallan & O'Day, LLC
415 Hamilton Blvd
Peoria, IL 61602