



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 22, 2010

Ms. Sunny Clark
FOIA Officer
Illinois Department of Central Management Services
720 Stratton Office Building
401 S. Spring Street
Springfield, Illinois 62706

RE: FOIA Pre-Authorization Request – 2010 PAC 8436

Dear Ms. Clark:

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

Specifically, on July 3, 2010 [REDACTED] submitted a FOIA request to CMS seeking copies of all information CMS has relating to the American Federation of State, County and Municipal Employees class action grievance No. 421292. On July 13, 2010, CMS sent a denial letter to [REDACTED] explaining that the information contains draft versions of position descriptions that are exempt from disclosure pursuant to Section 7(1)(f), which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies 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). In the letter, CMS stated that these positions descriptions contain handwritten notes and are drafts designed to develop a possible resolution to the grievance.

With its July 13, 2010 pre-authorization request to our Office, CMS supplied us with 37 pages of information regarding the proposed position descriptions.

Determinations

CMS's request for approval of its decision to withhold information pursuant to Section 7(1)(f) is approved in part and denied in part. In reviewing the documents, it is clear that the position descriptions CMS is seeking to withhold are preliminary in nature and are not final documents.

Accordingly, our Office has determined that the proposed position descriptions fall within the scope of Section 7(1)(f) and may properly be withheld.

[REDACTED] also requested a copy of the grievance itself and any other information relating to the grievance. In its letter, CMS denied [REDACTED] request in its entirety but did not provide a sufficient explanation as to why a copy of the grievance or any other additional information relating to the grievance may be withheld under Section 7(1)(f). Thus, it is our determination that CMS has not met its burden under Section 7(1)(f) with respect to demonstrating the basis for withholding documents responsive to the remainder of [REDACTED] request.

Based on this analysis, CMS may withhold the documents specified above but should disclose the remaining documents relating to the grievance to [REDACTED]

If you have any questions or concerns, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: [REDACTED]

[REDACTED]
Matthew C. Rogina
Assistant Public Access Counselor

cc: [REDACTED]