

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 21, 2010

Randall E. Roberts
Executive Assistant State's Attorney
69 W. Washington Blvd.
Chicago, Illinois 60602

RE: FOIA Pre-Authorization Request - 2010 PAC 8467

Dear Mr. Roberts:

We have reviewed the Cook County State's Attorney's pre-authorization request and associated documents concerning John Kugler's Freedom of Information Act ("FOIA") request. [REDACTED] submitted a FOIA request to the State's Attorney, requesting access to and copies of all records and notes in regards to (1) Andrew Giniant, (2) RD# HR-482710, (3) Case No. 09-135557, (4) Case No. 09-CR-15614, (5) court documents regarding A [REDACTED] (6) investigatory documents regarding [REDACTED], (7) decisions, conferences, and settlements regarding A [REDACTED], and (8) any other documents and information regarding A [REDACTED].

The State's Attorney granted the request in part; it withheld a "felony review folder and certain notes made by the prosecutors handling" [REDACTED] criminal case. The State's Attorney asserted a Section 7(1)(f) exemption under FOIA - 5 ILCS 140/7(1)(f).

Section 7(1)(f) 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).

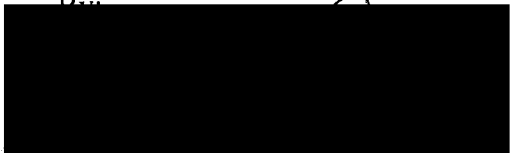
Here, the State's Attorney has satisfied her burden of establishing that the "felony review folder" and prosecutors' notes fall within the confines of Section 7(1)(f). These documents contain pre-decisional information and notes, and have not been publicly cited and identified by the State's Attorney. Accordingly, the State's Attorney's use of Section 7(1)(f) to withhold this information is **approved**.

If you have any questions or concerns, please feel free to contact me at (312) 814-5044. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

Re:



Sumit Bhavsar
Assistant Attorney General

cc:

