



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

Lisa Madigan
ATTORNEY GENERAL

July 26, 2010

Ms. Rebecca Patton
Legal Counsel
Office of the Auditor General
740 East Ash Street
Springfield, Illinois 62703

RE: Pre-Authorization Request – 2010 PAC 8515

Dear Ms. Patton:

We have received and reviewed the written notice from the Office of the Auditor General of its intention to deny disclosure of certain documents as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA), 5 ILCS 140/7(1)(f).

The Auditor General's written notice relates to a FOIA request submitted by Mr. John O'Connor of the Associated Press that sought copies of correspondence between Alexi Giannoulis, Mark Kirk or LeAlan Jones, or any of their representatives, and the Office from January 2001 to present. The Auditor General has asserted that certain attachments to the responsive correspondence, including Investment Policy Committee meeting minutes and memoranda, are exempt from disclosure under Section 7(1)(f) because they contain "potential recommendations related to Bright Start and Bright Directions allocation guidelines." The Auditor General is asserting the Section 7(1)(f) exemption on behalf of the Illinois State Treasurer's Office in its capacity as the external auditor of that office.

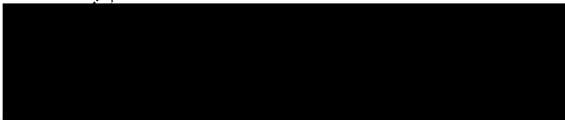
Section 7(1)(f) of FOIA exempts from disclosure and copying "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body." 5 ILCS 140/7(1)(f).

Based on the Auditor General's assertions, its use of the Section 7(1)(f) exemption with respect to the documents in question is **approved**. These documents contain recommendations with respect to the formulation of guidelines for two of the state's college savings plans. Moreover, there is no evidence that the Treasurer has publicly cited and identified these documents. Thus, the documents may properly be withheld under Section 7(1)(f) of FOIA.

Should you have questions or concerns, please feel free to contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor



By: Sara Gadola/Garagher
Deputy Public Access Counselor

cc: Mr. John O'Connor
Associated Press
joconnor@ap.org