OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 28, 2010

Anna Kavanaugh
FOIA Officer
1000 W. Schaumburg Rd.
Schaumburg, Illinois 60194-4148

RE: FOIA Pre-Authorization Request - 2010 PAC 8569

Dear Ms. Kavanaugh:

We have reviewed the Village of Schaumburg Police Department's pre-authorization request and associated documents concerning [redacted] Freedom of Information Act ("FOIA") request. [redacted] has requested the minutes from the June 8, 2010 command staff meeting at the Police Department. The Police Department granted the request in part, claiming that the minutes are exempt from disclosure under Section 7(1)(f) of 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 minutes are divided into four sections: (1) New Business, (2) Continuing Items, (3) Policing the Community, and (4) Non-Agenda Items. The Police Department maintains that the first three sections are exempt under section 7(1)(f) FOIA, but has disclosed section 4. This Office approves of the Police Department's use of Section 7(1)(f) to withhold the information appearing in the first two sections of the minutes. This information contains opinions and recommendations of the Chief and Deputy Chief of Police as to the functioning of the police department. Moreover, the minutes have not been publicly cited or identified by the head of the Police Department.

With respect to section 3 of the minutes—Policing the Community—we conclude that section 7(1)(f) of FOIA may not be used to withhold this information. No opinions are expressed or policies formulated in this section. Instead, this section reports only facts of events that have already transpired. The information in section 3 is not unlike the information appearing in section 4—Non-Agenda Items—which the Police Department has disclosed to [redacted]

Accordingly, the Village's use of section 7(1)(f) of FOIA is approved, except with respect to section 3 of the minutes—Policing the Community. That section must be disclosed.

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

Sincerely,

Cara Smith
Public Access Counselor

[redacted]

Sunil Bhave
Assistant Attorney General

cc: [redacted]