



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 28, 2010

Ms. Wendellyn Briggs
City Clerk
Town of Normal
100 East Phoenix Avenue
Normal, Illinois 61761-0589

RE: Pre-Authorization Request – 2010 PAC 8586
Requestor: [REDACTED]

Dear Ms. Briggs:

We have received and reviewed the written notice from the Town of Normal (Town) of its intention to deny disclosure of certain information as exempt under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f). [REDACTED] submitted a FOIA request on July 9, 2010, for all documents and e-mails concerning 1010 South Main Street, Normal, for the period from March 1, 2008, through June 30, 2010. The address is the site of a proposed residential development.

In response to [REDACTED] FOIA request, the Town has asserted that hundreds of e-mails are exempt from disclosure under Section 7(1)(f) of FOIA. The e-mails fall into three broad categories: e-mails between Town employees and private development officials; e-mails between Town elected officials and constituents; and internal e-mails between town employees and officials discussing strategy and formulating courses of action. The Town also asserts that all e-mails before April 2009 are exempt from disclosure under Section 3(g) of FOIA because producing the e-mails would unduly burden the operations of the Town.

Section 7(1)(f) of FOIA exempts from inspection and copying internal “[p]reliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated”, as long as the document is not cited or publicly identified by the head of the public body. 5 ILCS 140/7(1)(f).

Determinations

The Town’s use of the exemption in Section 7(1)(f) is approved with regard to internal e-mails between Town employees and officials where strategy is discussed and deliberated and courses of action are formulated. However, the Town’s use of the exemption in Section 7(1)(f) is denied with regard to e-mails between Town employees and development officials, as well as for e-mails between Town officials and constituents.