



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 12, 2010

Mr. Matt Vanover
Director of Public Information
Illinois State Board of Education
100 N. First Street
Springfield, Illinois 62777-0001

RE: FOIA Pre-Authorization Request – 2010 PAC 8831

Dear Mr. Vanover:

We have received and reviewed the written notice from the Illinois State Board of Education (ISBE) 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 16, 2010, [REDACTED] submitted a FOIA request with ISBE seeking "documents records and communications, involving the school construction grant applied for by the Midland Community School District #7."

On July 30, 2010, ISBE sent a pre-authorization request to this Office seeking approval to withhold four e-mails between ISBE personnel regarding the construction grant 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).

Determinations

ISBE's request for approval of its decision to withhold the e-mails pursuant to Section 7(1)(f) is approved. In reviewing the four e-mails, it is our conclusion that the documents are preliminary in nature, contain opinions and reflect internal discussions between ISBE personnel about the possible approval of the construction grant to the District.


Based on this analysis, ISBE has sustained its burden under Section 7(1)(f) and may, therefore, withhold the e-mails.

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:


Matthew C. Rogina
Assistant Public Access Counselor

cc: 