



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 17, 2010

Yolanda Cervantes
FOIA Officer
Illinois Department of Labor
160 North LaSalle, Suite 1300
Chicago, Illinois 60601

RE: Pre-Authorization Request — 2010 PAC 8937

Dear Ms. Cervantes:

We have received and reviewed the written notice from the Illinois Department of Labor (IDOL) of its intention to deny disclosure of certain information pursuant to Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f).

██████████ submitted a FOIA request dated July 17, 2010, seeking all documents relating to her complaint "surrounding the reported illness of three male managerial employees of the Village of Hoffman Estates at the Public Works Administration Building which includes administrative offices as well as vehicle storage and operations." In its written notice, the IDOL asserts that some of the requested records are exempt from disclosure pursuant to Section 7(1)(f) of FOIA because these documents contain preliminary drafts, recommendations, memoranda or other documents in which opinions are expressed, or policies or actions are formulated.

Section 7(1)(f) of FOIA exempts from inspection 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).

Determination

The IDOL's use of the exemption in Section 7(1)(f) with regard to the documents sent to us in connection with this pre-authorization request is approved. We have reviewed the records and determined that the IDOL investigator's notes are preliminary documents created during the course of an investigation on behalf of the Safety Inspection and Education Division for the purpose of formulating action. Accordingly, the IDOL has met its burden of demonstrating that this information is exempt from disclosure under Section 7(1)(f) of FOIA. As such, the IDOL

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may issue a denial letter directly to [REDACTED] and may withhold these records in accordance with this letter.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Amalia Rioja
Amalia Rioja
Chief Deputy Public Access Counselor

cc:

