

Kopp, Elizabeth

From: Gallagher, Sara Gadola
Sent: Friday, September 10, 2010 9:37 AM
To: 'Chernis, Sheila'
Cc: 'Fusco, Chris'
Subject: 2010 PAC 9189 -- Pre-Authorization Request

September 10, 2010

Ms. Sheila Chernis
FOIA Officer
Illinois Department of Commerce
and Economic Opportunity
sheila.chernis@illinois.gov

Re: 2010 PAC 9189 – Pre-Authorization Request
Requester: Mr. Chris Fusco, *Chicago Sun-Times*

Dear Ms. Chernis:

We have received written notice from the Illinois Department of Commerce and Economic Opportunity (DCEO) of its intention to deny disclosure of certain records as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f). DCEO's written notice relates to a FOIA request submitted by Mr. Chris Fusco of the *Chicago Sun-Times* for grant agreements, e-mail correspondence and other records related to the following initiatives (dating back to January 13, 2003):

- Let's Talk/Let's Test Foundation (excluding information provided in previous FOIA)
- Working for Togetherness
- National Black Nurses Association, Chicago Chapter
- Brothers and Sisters United Against HIV/AIDS (BASUAH)
- African American HIV/AIDS Response Act
- Broadcast Ministers Alliance
- Broadcast Ministers' Alliance

In its written notice, DCEO asserted that certain e-mail correspondence between DCEO staff is exempt from disclosure under Section 7(1)(f) of FOIA as records in which "opinions and policies are expressed". DCEO also asserted that none of the correspondence has been publicly cited and identified by the head of the agency.

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).

Determination

DCEO's use of the Section 7(1)(f) exemption with regard to the e-mail correspondence in question is **approved**. The e-mail correspondence, which we have reviewed, contains expressions of opinion and policy recommendations from DCEO staff related to the Let's Talk/Let's Test grant. DCEO has asserted that none of the e-mail correspondence has been publicly cited and identified by the head of the agency. Thus, the e-mail correspondence is exempt from disclosure under Section 7(1)(f) of FOIA.

Accordingly, DCEO should issue a partial denial letter to Mr. Fusco. Should you have questions or concerns, please feel free to contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Very truly yours,

Sara Gadola Gallagher
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