



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

September 2, 2010

Ms. Kristine Curran
925 Burlington Avenue
Lisle, Illinois 60532

RE: Pre-Authorization Request – 2010 PAC 9238

Dear Ms. Curran:

We have received and reviewed the written notice from the Village of Lisle (Village) of its intention to deny disclosure of certain documents as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f).

The Village's written notice relates to a FOIA request submitted by [REDACTED] for the following records from the time frame of April 16, 2010, through June 4, 2010:

- "All e-mail correspondence regarding any aspect of a proposed TIF district, redevelopment project, terms, etc. dated 4/16/2010, 4/23/2010, 4/29/2010, 5/4/2010, 5/6/2010, 5/24/2010 and 6/04/2010.
- All other e-mail correspondence to/from Kane McKenna regarding the proposed TIF district dated between 4/16/2010 and 6/04/2010.
- All other e-mail correspondence to/from Ernst & Young and/or Navistar (and/or their agents or representatives) regarding the proposed TIF district dated between 4/16/2010 and 6/04/2010.
- All other e-mail correspondence from all elected, employed, appointed officials of the Village of Lisle regarding the proposed TIF district dated between 4/16/2010 and 6/04/2010."

The Village asserted that the records requested are exempt from disclosure under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)), which exempts from disclosure "[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." The Village further asserted that these records – e-mail communications and related documents pertaining to the draft TIF documents – are "related to a deliberative process aimed at developing

final versions of TIF documents.” According to the Village, none of the documents have been cited by the head of the public body.

Determination

The Village’s use of the Section 7(1)(f) exemption with regard to the records in question is **approved**. We have reviewed the documents in question and determined that they consist of preliminary drafts, discussion of those drafts, and proposed editing changes. Further, many of the documents are labeled “For Discussion Purposes Only” and note that they are works in progress. The Village has sustained its initial burden of demonstrating that the withheld documents consist of e-mails and other pre-decisional materials used by Village officials to formulate actions as to the proposed TIF district. Additionally, there is no evidence that these documents have been publicly cited and identified by the Village President.

Accordingly, the Village may issue a denial to [REDACTED] in accordance with this letter. Should you have questions or concerns, please feel free to contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

Sara Gadola Gallagher /RSK

By: Sara Gadola Gallagher
Deputy Public Access Counselor

cc:

