



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 24, 2011

Richard Foxman
Freedom of Information Officer
Department of Healthcare and Family Services
401 South Clinton Street
7th Floor
Chicago, Illinois 60607

RE: Pre-Authorization Request — 2011 PAC 12810
Requester: [REDACTED]

Dear Mr. Foxman:

We have received and reviewed the written notice from the Department of Healthcare and Family Services of its intention to deny disclosure of certain information pursuant to Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. On February 18, 2011, [REDACTED] submitted a FOIA request to the Department seeking "the report from the HFS Office of Equal Employment Opportunity, related to Charge Number 0910R0101R." In its written notice, the Department seeks our approval to withhold this report pursuant to Section 7(1)(f) (5 ILCS 140/7(1)(f)).

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." *Id.*

Determination

The Department's use of the exemption in Section 7(1)(f) to withhold the document is approved. The Department has asserted that this report "is a preliminary recommendation to senior staff and does not serve as a final determination or disposition." In addition, the Department has advised us

that the head of the public body has not publicly cited or identified the document. Therefore, the Department has met its initial burden of demonstrating that the withheld document is exempt under Section 7(1)(f).

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,

Sarah Kaplan by EK

Sarah Kaplan
Assistant Public Access Counselor

cc:



12810 pre-auth at 7(1)(f) prelim draft sa