



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 24, 2011

Lisa Weitekamp
Freedom of Information Officer
Illinois Department of Corrections
1301 Concordia Court
Springfield, Illinois 62794

RE: Pre-Authorization Request – 2011 PAC 12890

Dear Ms. Weitekamp:

We have received and reviewed the written notice from the Illinois Department of Corrections (IDOC) of its intention to deny disclosure of certain information pursuant to the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

Specifically, on March 7, 2011, [REDACTED] submitted a FOIA request to IDOC seeking a copy of the Employee Reference Check showing a termination from Pinnacle Country Club. In its written notice dated March 10, 2011, IDOC asserted that the requested record is exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)). However, on March 23, 2011, IDOC submitted an amended pre-approval notice to this Office, explaining that it is withdrawing the use of the Section 7(1)(c) exemption and intends to deny [REDACTED] FOIA request pursuant to Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)).

Determination

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.*

IDOC’s use of Section 7(1)(f) exemption with regard to the requested record is **approved**. We have determined that this record contains an opinion which was solicited and utilized by IDOC in its decision-making process regarding a specific matter. Moreover, there is no indication that this information has been publicly cited or identified by the Director of IDOC. Accordingly, IDOC has met its initial burden of demonstrating that this record is exempt from disclosure under Section 7(1)(f) of FOIA.

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If you have any questions or concerns, please feel free to contact me directly at (312) 814-6437.
This correspondence shall serve to close this matter.

Sincerely,



Tola Sobitan
Assistant Public Access Counselor

cc:



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