



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

March 24, 2011

Maria Lasday  
Village Manager/Freedom of Information Officer  
Village of Bannockburn  
2275 Telegraph Road  
Bannockburn, IL 60015

RE: Pre-Authorization Request – 2011 PAC 12931  
Requester: Howard Handler, North Shore - Barrington Association of Realtors

Dear Ms. Lasday:

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

On March 3, 2011, Mr. Howard Handler, on behalf of the North Shore—Barrington Association of Realtors (NSBAR), submitted a FOIA request that included 6 numbered requests. Request 5 seeks “[a]ny other memorandums, reports, ordinances, and the like addressing and/or describing the aforementioned proposed ordinance Regulating Illicit Discharge and Connection to the Storm Drainage System.” Request 6 seeks “a copy of any recordings, whether audio or video, of the November 8 and 22, 2010 Village Board meetings.”

In its written notice, the Village asserts that the only records it possesses that are responsive to Mr. Handler’s Request number 5 are preliminary drafts that are exempt under Section 7(1)(f). The Village also asserts that any tapes of meetings are exempt under Section 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 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).

**Determinations**

In a telephone call on March 22, 2011, Ms. Lasday confirmed to me that the only document responsive to Mr. Handler’s request number 5 that she has not already provided to him is a brief

memorandum from the Village's attorney. Based on her description of that memorandum, we have determined that the Village's use of the exemption in Section 7(1)(f) to withhold the memorandum is approved. This memorandum was used in the Village's process of formulating policy or actions, and the Village asserts that this memorandum has never been publicly cited or identified. Therefore, we find that the Village has sustained its initial burden of proving that this memorandum is exempt from disclosure under Section 7(1)(f).

In the same telephone call, Ms. Lasday informed me that the Village no longer possesses the recordings of the November 8 and the November 22, 2010 board meetings. Because the Village does not possess records responsive to Mr. Handler's request number 6, we consider the request for pre-authorization to withhold any such records withdrawn.

Should you have any questions or concerns, feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,



Sarah Kaplan  
Assistant Public Access Counselor

cc: Howard Handler  
Government Affairs Director  
North Shore – Barrington Association of Realtors  
450 Skokie Blvd, Bldg 1200  
Northbrook, IL 60062