



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 23, 2011

Mr. Richard Koritz
DeWitt County State's Attorney
DeWitt County State's Attorney's Office
201 W. Washington
Clinton, Illinois 61727

RE: FOIA Pre-Authorization Request - 2010 PAC 9968

Dear Mr. Koritz:

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

Specifically, on June 23, 2010 Mr. David Holt, publisher of Central Illinois Media, submitted a FOIA request to the County seeking budget worksheets for the 2010-11 budget.

On October 4, 2010 the County submitted a Notice of Intent to Deny to this Office explaining that certain documents are exempt from disclosure pursuant to Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)), which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies 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."

This Office initiated further inquiry into the matter on October 12, 2010 and requested a written explanation from the County together with a copy of the documents that it seeks to withhold pursuant to the Section 7(1)(f) exemption. The County fully complied with our further inquiry letter on October 19, 2010.

Determinations

The County's request for approval of its decision to withhold information pursuant to Section 7(1)(f) is approved. The Section 7(1)(f) exemption is intended to encourage government officials to openly and frankly discuss matters of governmental concern in order to make

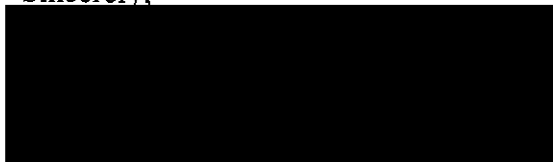
informed policy decisions. See *N.L.R.B. v. Sears*, 421 U.S. 132 (1975), *Hoffman v. Ill. Dept. of Corrections*, 158 Ill.App.3d 473, 511 N.E.2d 759 (1st Dist. 1987).

Our review of the documents supplied to us by the County indicates that they consist of preliminary memoranda, notes and findings with regard to the County's budget. The documents also contain financial projections that were not finalized and subject to revision at the time Mr. Holt submitted his FOIA request. Additionally, there is no evidence that the head of the finance committee publicly cited these documents at any meeting.

Any responsive documents, however, that were in draft format that have been finalized subsequent to the County's submission of its Notice of Intent to Deny must be submitted to Mr. Holt.

In summary, the County has met its initial burden in demonstrating that the documents are exempt from disclosure pursuant to Section 7(1)(f). Should you have any questions or concerns, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,



Matthew C. Rogina
Assistant Public Access Counselor

cc: Mr. David Holt
Publisher, Central Illinois Media
431 East Washington Street, P.O. Box 31
Clinton, Illinois 61727

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