



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

Lisa Madigan
ATTORNEY GENERAL

June 23, 2010

Ms. Shelia Chermis
FOIA Officer
Illinois Department of Commerce and Economic Opportunity
620 East Adams Street
Springfield, Illinois 62701

RE: FOIA Pre-Authorization Request – 2010 PAC 8066

Dear Ms. Chermis:

We have received and reviewed the written notice from the Illinois Department of Commerce and Economic Opportunity (IDCEO) 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 140/1 *et seq.*, as amended.

Specifically, on May 20, 2010 [REDACTED] submitted a FOIA request to IDCEO seeking copies of all documents and records relating to the Economic Development for a Growing Economy tax credit program since June 1, 2009 and all documents and records relating to Navistar Inc. since June 1, 2009.

On June 18, 2010, the IDCEO sent a denial letter to [REDACTED] explaining that portions of her request are being withheld pursuant to Section 7(1)(f) and Section 7(1)(g) of FOIA. On June 21, 2010, IDCEO submitted a pre-authorization request with our Office, asserting that a draft document that was a proposed amendment to House Bill 1526 (HB1526) should be withheld pursuant to Section 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." 5 ILCS 140/7(1)(f).

Determinations

IDCEO's request for approval of its decision to withhold this document pursuant to Section 7(1)(f) is approved. The draft document that IDCEO seeks to withhold was an eight-page amendment to HB1526. IDECO never presented the amendment to the Illinois General Assembly and the document never became a final product. As such, the amendment falls within the exemption in Section 7(1)(f).

Based on this analysis, IDCEO has met its burden under Section 7(1)(f) and may withhold the amendment.

If you have any questions or concerns, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: 

Matthew C. Rogina
Assistant Public Access Counselor