



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 12, 2010

Mr. John Costello
FOIA Officer
Office of the Illinois Attorney General
500 South Second Street
Springfield, Illinois 62706

RE: Pre-Authorization Request – 2010 PAC 8129

Dear Mr. Costello:

We have received and reviewed the written notice from the Office of the Attorney General (Office) of its intent to deny disclosure of certain documents as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA), 5 ILCS 140/7(1)(f). The Office's written notice relates to a FOIA request submitted by Mr. Jason Meisner of the *Chicago Tribune* for records related to violation notices involving Reliable Materials of Lyons.

Section 7(1)(f) of FOIA exempts from disclosure 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." 5 ILCS 140/7(1)(f).

Based on the Office's assertions, its use of the Section 7(1)(f) exemption with respect to the documents in question is **approved**. These documents "contain the expression of opinions by staff members as part of an effort to formulate policy or decide a course of action." The Office further explained that its Environmental Bureau had received a referral from the Illinois Environmental Protection Agency regarding a quarry operated by Reliable Materials, and that the documents in question relate to "our determination of the next enforcement step." There is also no evidence that any of the documents have been publicly cited and identified by the Attorney General. Thus, the documents are exempt from disclosure under Section 7(1)(f) of FOIA.

Should you have questions or concerns, please feel free to contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor



By: Sara Gadola Gallagher
Deputy Public Access Counselor

