



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 12, 2010

Mr. Philip Peña
FOIA Officer
Morton College
3801 South Central Avenue
Cicero, Illinois 60804-4398

RE: Pre-Authorization Request – 2010 PAC 8132

Dear Mr. Peña:

We have received and reviewed the written notice from Morton College (College) of its intent to deny disclosure of the College's proposed 2011 itemized budget as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA), 5 ILCS 140/7(1)(f). The College's written notice relates to a FOIA request submitted by [REDACTED]

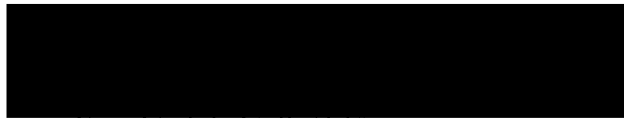
Section 7(1)(f) of FOIA exempts from disclosure and copying "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body." 5 ILCS 140/7(1)(f).

Based on the College's assertions, its use of the Section 7(1)(f) exemption with respect to the proposed 2011 itemized budget is **approved**. The College asserted that the budget "is now being prepared by College administrators for presentation to the College's Board of Trustees (the "Board"). The preliminary draft budget is subject to substantial revisions by both the College's administrators and the Board and these revisions will reflect internal policy deliberations with regard to allocation of the College's funds to specific programs and areas of emphasis for the upcoming school year." The College also indicated that a tentative form of the 2011 itemized budget would be available for public inspection at least 30 days prior to final action on it. Finally, there is no evidence that the proposed budget has been publicly cited and identified by the Board's chairman. Thus, the proposed budget is 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

