



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

Lisa Madigan
ATTORNEY GENERAL

July 8, 2010

Via E-mail

Lola Dada-Olley
Associate General Counsel
Office of Governor Pat Quinn
State of Illinois
100 W. Randolph, 16th Floor
Chicago, Illinois 60601
Lola.Dada-Olley@Illinois.gov

RE: Pre-authorization Request – 2010 PAC 8222

Dear Ms. Dada-Olley:

We have received and reviewed the written notice from the Office of the Governor of its intention to deny certain information as exempt from disclosure under sections 7(1)(c) and 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

John O'Connor requested un-redacted copies of records provided to him and one record that was withheld, all in response to his April 2009 request for "all memorandums, e-mails, or other correspondence or communications, electronic or otherwise, from Jan. 1, 2006, through June 30, 2001, to or from Gov. Blagojevich, John Harris, Joseph Handley, Bob Greenlee, Victor Roberson, Louanner Peters, John Filan, Sheila Nix, Bradley Tusk, DeShana Forney, Gretchen Tucka, or William Quinlan, with: Rahm Emmanuel, Ari Emmanuel, John L. Borovicka, Kathleen C. Connery, Robert D. Getzoff, Mary Ann Levar, [and] Elizabeth Sears Smith."

In its written notice, the Office of the Governor asserted that it intended to withhold one email exchange and redact portions of several other emails under sections 7(1)(c) and 7(1)(f). The email exchange it seeks to withhold contains a discussion about the birth of an employee's child. Portions of several other email exchanges were redacted pursuant to Section 7(1)(f) because they contain preliminary drafts, notes, recommendations, memoranda or other documents in which

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opinions are expressed, or policies or actions are formulated, pertaining to a proposed state 401(k) plan.

Section 7(1)(c)

Section 7(1)(c) of FOIA exempts from inspection and copying “[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless disclosure is consented to in writing by the individual subjects of the information.” 5 ILCS 140/7(1)(c). The exemption defines “[u]nwarranted invasion of personal privacy” as “the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject’s right to privacy outweighs any legitimate public interest in obtaining the information.” *Id.*

The Office of the Governor’s use of the exemption in Section 7(1)(c) with regard to the birth an employee’s child is approved. We have determined that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). This type of information is highly personal and the subject’s right to privacy outweighs any legitimate public interest in disclosing this information.

Section 7(1)(f)

Section 7(1)(f) allows withholding of:

[p]reliminary drafts, notes, recommendations, memoranda or other documents 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). The Office of the Governor’s use of the Section 7(1)(f) exemption with regard to the redacted information in the email exchanges is approved. After reviewing the un-redacted records, we have determined that the redacted information constitutes preliminary drafts, notes, recommendations or other documents in which opinions are expressed or policies or actions are formulated and thereby fall within the definition of 7(1)(f). The redacted items pertain to the public body’s pre-decisional discussion regarding a communications strategy, official actions being formulated and a proposed state 401(k) plan.

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If you have any questions, please call me at 312-814-5206. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

A large black rectangular redaction box covering the signature of Amalia Rioja.

Amalia Rioja
Chief Deputy Public Access Counselor

cc: John O'Connor
joconnor@ap.org