

Acosta, Andres

From: Gallagher, Sara Gadola
Sent: Tuesday, August 24, 2010 5:17 PM
To: 'Reuter, Tom'
Cc: [REDACTED]
Subject: 2010 PAC 9031 -- Pre-Authorization Request

August 24, 2010

Mr. Tom Reuter
Acting FOIA Officer
Illinois Environmental Protection Agency
tom.reuter@illinois.gov

Re: 2010 PAC 9031 – Pre-Authorization Request
Requester: [REDACTED]

Dear Mr. Reuter,

We have received and reviewed the written notice from the Illinois Environmental Protection Agency (IEPA) of its intent to deny disclosure of internal e-mail correspondence and an attached document as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act. 5 ILCS 140/7(1)(f). This matter involves a FOIA request submitted by Mr. Matthew Miller for records related to the Oak-Grigsby facility in Crystal Lake. The IEPA has asserted that an e-mail involving discussion of a contamination investigation at the facility is exempt from disclosure under Section 7(1)(f).

Section 7(1)(f) of FOIA exempts from disclosure records that constitute “[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 shall not be exempt when the record is publicly cited and identified by the head of the public body.”

Determination

IEPA’s use of the Section 7(1)(f) exemption with respect to the e-mail and document in question is **approved**. The e-mail and document contain a staff member’s opinions about data gleaned from the investigation and recommendations for strategies on obtaining more information. The IEPA has also asserted that the memorandum has not been publicly cited or identified by the IEPA’s director. Thus, the e-mail and attached document are exempt from disclosure under Section 7(1)(f) of FOIA.

Should you have questions or concerns, please feel free to contact me. This correspondence shall serve to close this matter.

Very truly yours,

Sara Gadola Gallagher
Deputy Public Access Counselor
Office of the Attorney General
100 West Randolph Street, 11th Floor
Chicago, Illinois 60601
(312) 793-0865
sgallagher@atg.state.il.us

E-MAIL CONFIDENTIALITY NOTICE: This electronic mail message, including any attachments, is for the intended recipient(s) only. This e-mail and any attachments might contain information that is confidential, legally privileged or otherwise protected or exempt from disclosure under applicable law. If you are not a named recipient, or if you are named but believe that you received this e-mail in error, please notify the sender immediately by telephone or return e-mail and promptly delete this e-mail and any attachments and

copies thereof from your system. If you are not the intended recipient, please be aware that any copying, distribution, dissemination, disclosure or other use of this e-mail and any attachments is unauthorized and prohibited. Your receipt of this message is not intended to waive any applicable privilege or claim of confidentiality, and any prohibited or unauthorized disclosure is not binding on the sender or the Office of the Illinois Attorney General. Thank you for your cooperation.