

## OFFICE OF THE ATTORNEY GENERAL STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 16, 2010

Thomas Reuter
Acting FOIA Coordinator
Illinois Environmental Protection Agency
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

RE: Pre-Authorization Request – 2010 PAC 9594

Requester: Meggin O'Mailia

Dear Mr. Reuter:

We have received and reviewed the written notice from the Illinois Environmental Protection Agency (IEPA) of its intention to deny disclosure of certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f). The IEPA's written notice relates to a FOIA request from Ms. Meggin O'Mailia for records relating to a facility at 715 Hamilton Street, Geneva, Illinois. The IEPA asserts that three of the responsive records are exempt from disclosure under Section 7(1)(f) of FOIA.

Section 7(1)(f) of FOIA exempts from inspection and copying "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions 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).

## **Determination**

The IEPA's use of the exemption in Section 7(1)(f) with regard to the withheld records is approved. These records contain recommendations made to the IEPA and were used to formulate the IEPA's actions. The IEPA asserts that none of these records has never been publicly cited or identified by the Director of the IEPA. Thus, they are exempt from disclosure under Section 7(1)(f) of FOIA.

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Should you have questions or concerns, please feel free to contact Sarah Kaplan at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Amalia Rioja by 8RK Amalia Rioja

Chief Deputy Public Access Counselor

cc: Meggin O'Mailia

Aires Consulting Group, Inc.

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