



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 9595
Requester: Ryan Martin

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 Mr. Ryan Martin for records relating to the William H. Finkl Academy/Public Building Commission Facility at 2300 and 2332 South Western Avenue in Chicago, Illinois. The IEPA asserts that one of the responsive records is 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 record is approved. Opinions are expressed in this record. Additionally, it contains draft comments and was used to formulate actions. The IEPA asserts that this record has never been publicly cited or identified by the Director of the IEPA. Thus, it is 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 SRK

Amalia Rioja
Chief Deputy Public Access Counselor

cc: Ryan Martin
Property Solutions Inc.
323 New Albany Rd.
Moorestown, NJ 08057

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