



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 28, 2011

Sergeant Kelly Walter
Illinois State Police
Legal Office
801 South Seventh Street, Suite 1100-S
P.O. Box 19461
Springfield, IL 62794-9461

RE: Pre-Authorization Request – 2011 PAC 12505
Requester: [REDACTED] FOIA #11-156

Dear Sgt. Walter:

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

On February 14, 2011, [REDACTED] requested the “polygraph (lie detector) [sic] examination questions and test results that were given/provided by [REDACTED] on or about February 22, 2001.” In its notice dated February 18, 2011, ISP asserted that the responsive document is exempt under both Section 7(1)(c) and 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

We have determined that ISP’s use of the exemption in Section 7(1)(f) to withhold the polygraph examiner’s report is approved. This document contains the opinions of the examiner. The polygraph examination was performed at the request of a law enforcement agency working with ISP for the purpose of obtaining the examiner’s opinion, and the law enforcement agencies considered this opinion in determining how to proceed with an investigation. ISP has asserted that this document has not been publicly cited or identified by the Interim Director. Therefore,

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we find that ISP has sustained its initial burden of showing that this document is exempt under Section 7(1)(f).

Because we conclude that ISP may properly withhold the document under Section 7(1)(f), we need not make a determination regarding ISP's assertion that the document is also exempt under Section 7(1)(c).

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

Sincerely,



Sarah Kaplan
Assistant Public Access Counselor

cc:



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