OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 31, 2011

George Logan
Acting Freedom of Information Officer
Illinois Department of Revenue
101 W. Jefferson Street
Springfield, Illinois 62702

RE: Pre-Authorization Request – 2011 PAC 13070

Dear Mr. Logan:

We have received and reviewed the written notice from Illinois Department of Revenue (IDOR) of its intention to deny disclosure of certain information pursuant to the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

Specifically, Ms. Irene Bahr submitted a FOIA request to the Illinois Liquor Control Commission (ILCC), seeking "[c]opies of all documents in whatever format submitted to the ILCC commenting in any way on proposed TPP-11 amendments, including but not limited to letters, emails, notes, other written or electronic submissions.". In its written notice, IDOR asserts that the requested records are exempt from disclosure under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)).

Determination

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 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." *Id.*

IDOR's use of Section 7(1)(f) exemption with regard to the requested records is **approved**. We have determined that the requested records consist of letters and emails in which opinions and recommendations were expressed and are being utilized by IDOR in its decision-making process regarding the proposed Trade Practice Policy amendments. As such, IDOR has met its initial burden of demonstrating that this information is exempt from disclosure under Section 7(1)(f) of FOIA. Notably, IDOR has advised that ILCC will release the records to Ms. Bahr once the Trade Practice Policy is finalized and published.

If you have any questions or concerns, please feel free to contact me directly at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

Tola Sobitan
Assistant Public Access Counselor

cc: Irene F. Bahr
Attorney at Law
1751 S. Naperville Road
Suite 209
Wheaton, Illinois 60189

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