



**OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS**

Lisa Madigan  
ATTORNEY GENERAL

September 30, 2010

Ms. Erin Alexander  
Deputy General Counsel  
Illinois Gaming Board  
160 N. LaSalle Street, Suite 300  
Chicago, Illinois 60601

RE: FOIA Pre-Authorization Request - 2010-PAC-9780

Dear Ms. Alexander:

We have received and reviewed the written notice from the Illinois Gaming Board (IGB) of its intention to withhold certain information as exempt from disclosure pursuant to Section 7(1)(f) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

On September 22, 2010, Robert Boyle, on behalf of Shesky and Froelich, submitted a FOIA request to the IGB seeking copies of records relating to Central Communications System award.

On September 22, 2010, IGB sent a pre-authorization request to this Office asserting that eight emails with regard to the award for the Central Communications System and the drafts for the pending Request for Proposal are exempt from disclosure pursuant to Section 7(1)(f) which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies 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." 5 ILCS 140 7(1)(f). On September 30, 2010, IGB provided us with a copy of a draft of the Request for Proposal and explained that the document had not been finalized and was subject to review.

**Determinations**

IGB's request for approval of its decision to withhold the information relating to the e-mails pursuant to Section 7(1)(f) is approved. The Section 7(1)(f) exemption is intended to encourage government officials to openly and frankly discuss matters of governmental concern in order to make informed policy decisions. See *N.L.R.B. v. Sears*, 421 U.S. 132 (1975), *Hoffman v. Ill. Dept. of Corrections*, 158 Ill.App.3d 473, 511 N.E.2d 759 (1<sup>st</sup> Dist. 1987).

This Office has reviewed the e-mails and determined that they contain preliminary findings by the IGB regarding the Request for Proposal. This Office has also reviewed the draft and finds that it is also preliminary in nature and falls within the scope of Section 7(1)(f).

Moreover, there is no evidence that this information was cited or identified by the head of the public body.

Therefore, it is our determination that IGB has met its burden under Section 7(1)(f) and may withhold the e-mails and draft of the Request for Proposal.

Should you have any questions or concerns, please feel free to contact me at (312) 814- 5383.

Sincerely,

Cara Smith  
Public Access Counselor

By:



Matthew C. Rogina  
Assistant Public Access Counselor

cc: Robert Boyle  
Shefsky & Froelich  
111 E. Wacker, Suite 2800  
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