



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

Lisa Madigan
ATTORNEY GENERAL

April 5, 2011

Ms. Jane M. Quinlan
Village Clerk
Village of Oak Lawn
jmquinlan@oaklawn-il.org

RE: Pre-Authorization Request - 2010 PAC 6008

Dear Ms. Quinlan:

We have reviewed the written notice from the Village of Oak Lawn (Village) 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).

On February 1, 2010, Terrence Norton, an attorney with the Chicago Kent College of Law's Center of Open Government, submitted a FOIA request to the City seeking certain records that relate to the Village's plan to balance the budget in July-September 2009 together with all records to proposed layoffs in the Village during July-September 2009.

In its February 26, 2010 Notice of Intent to Deny, the Village asserted that certain responsive documents are exempt from disclosure pursuant to Section 7(1)(f) of FOIA, which 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." This Office initiated further inquiry into the matter on March 5, 2010 and requested that the Village supply us with a copy of the documents that it claims are exempt together with a detailed factual analysis with regard to the basis of the Section 7(1)(f) exemption. The Village fully complied with our further inquiry letter on March 16, 2010.

Determination

The Village's request for approval of its decision to withhold the information 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 (1st Dist. 1987).

This Office has reviewed the records that the Village supplied to us and we have determined that they clearly consist of preliminary recommendations and opinions by Village staff about certain fiscal and employee matters and a proposed course of action with regard to those matters, and therefore fall within the scope of Section 7(1)(f). Additionally, there is no evidence that these documents have been publicly cited and identified by the head of the Village.

Accordingly, we find that the Village has met its initial burden under Section 7(1)(f) and may withhold the documents.

If you have any questions, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,



Matthew C. Rogina
Assistant Public Access Counselor

cc: Mr. Terrence Norton
Chicago Kent College of Law
tnorton@kentlaw.edu

6008 pre-auth at 7(1)(f) prelim mun