



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 North LaSalle Street, Suite 300
Chicago, Illinois 60601

RE: 2010 PAC 9781 - Pre-Authorization Request
Requester: Mr. Charles Sklarsky

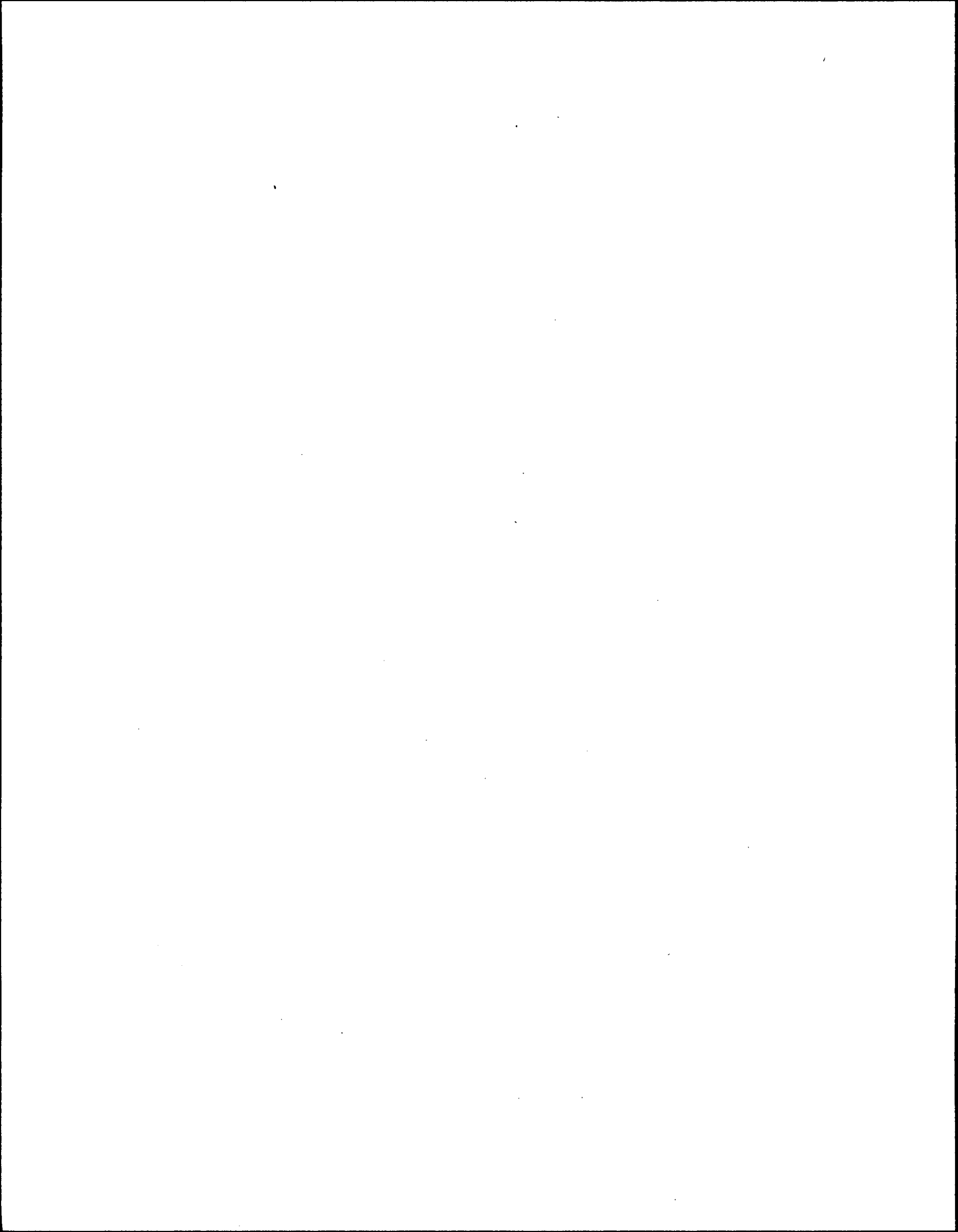
Dear Ms. Alexander:

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, Mr. Charles Sklarsky, on behalf of Scientific Games, submitted a FOIA request to IGB seeking copies of records relating to a Central Communications System award (CCS Award) for video gaming. In its written notice, IGB asserted that eight e-mails relating to the CCS Award are exempt from disclosure under Section 7(1)(f) of FOIA, 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).

Determination

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 (1st Dist. 1987). Based on our review of the e-mails, we have determined that they contain preliminary findings by IGB regarding proposals submitted by various vendors for the CCS Award. There is no evidence that these e-mails were 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 deny disclosure of the e-mails.




Should you have any questions or concerns, please feel free to contact me at (312) 793-0865.

Sincerely,

Cara Smith
Public Access Counselor

By:


Sara Gadola Gallagher
Deputy Public Access Counselor

cc: Mr. Charles Sklarsky
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Chicago, Illinois 60654-3456

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