



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 8, 2011

Aaron N. Szeto
City Attorney
Barrick, Switzer, Long, Balsley & Van Evera, LLP
6833 Stalter Drive
Rockford, Illinois 61108

RE: Pre-Authorization Request – 2011 PAC 13001

Dear Mr. Szeto:

We have received and reviewed the written notice from the City of South Beloit 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, on March 14, 2011, Mr. Greg Stanley submitted a FOIA request to the City, seeking "any and all correspondence, electronic or otherwise, between South Beloit Finance Director Xavier Whitford and the City of South Beloit regarding Whitford's employment with the City." In its amended written notice dated March 24, 2011, City asserted that a specific portion of the responsive record has been withheld from disclosure pursuant to 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.*

The City's use of the Section 7(1)(f) exemption with regards to the withheld portion of the responsive record is **approved**. We have determined that the City has met its burden of demonstrating that the withheld information contains an opinion. Further, there is no indication that the withheld information has been publicly cited or identified by the Mayor of the City. Accordingly, the City has met its burden of establishing that the withheld information is exempt from disclosure under Section 7(1)(f) of FOIA.

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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: Greg Stanley
Reporter
Rockford Register Star
99 E. State Street
Rockford, IL 61104

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