



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

April 7, 2011

Mr. Kyong I. Lee  
Deputy General Counsel  
Illinois Healthcare and Family Services  
401 S. Clinton St., 7<sup>th</sup> Floor  
Chicago, IL 60607

Re: Pre-Authorization Request – 2011 PAC 13298  
FOIA Requester: [REDACTED]

Dear Mr. Lee:

We have received and reviewed the written notice from the Illinois Department of Healthcare and Family Services (HFS) of its intention to deny disclosure of certain information contained in requested documents as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

On March 17, 2011, [REDACTED] submitted a FOIA request to HFS seeking:

[C]opies of any and all forms, notes, documents, e-mails, or reports completed by Ms. Jody Koebler (HFS Interviewing Officer) from the HFS Personnel Office and any other staff members from said office as well as the agency Technical Advisor, Ms. Barbara Radtke used and produced previous to, during and post the interview with [REDACTED] [REDACTED] underwent for the position of Public Service Administrator (Option 1, Spanish Speaker) BID# CS2079 on July 22, 2010.

[REDACTED] also requested:

[C]opies of any forms, notes, e-mails, reports, letters, and any other electronic or paper documents generated by any employee of HFS or contractual personnel or staff with HFS in regards to:

- A. The interview (as described in the preceding paragraph).
- B. The filing of discrimination charges against any and all persons/employees connected in any way with HFS as filed with the Illinois Department of Human Rights by [REDACTED]

In its written notice, HFS asserts that the responsive documents are “preliminary recommendations to other staff members and/or opinions expressed by HFS employees and do not serve as a final determination or disposition.” These documents have not been publicly cited or identified by the HFS Director. HFS seeks to withhold these documents from disclosure under Section 7(1)(f) of FOIA.

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**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.”

HFS’s use of the Section 7(1)(f) exemption with regard to the withheld documents is **approved**. After review of the information provided, our office agrees that the withheld records are ones in which opinions were expressed and policies or actions were formulated. Further, the documents have not been publicly cited by the head of HFS. Accordingly, HFS has met its initial burden of demonstrating that the withheld information is exempt from disclosure under Section 7(1)(f) of FOIA.

If you have any questions or concerns, please feel free to contact our office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,



Rebecca Riddick  
Assistant Public Access Counselor

cc:

