



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

Lisa Madigan
ATTORNEY GENERAL

April 12, 2011

Sunny Clark
Freedom of Information Officer
Illinois Department of Central Management Services
401 South Spring Street
Springfield, Illinois 62706

Dear Ms. Clark:

RE: FOIA Pre-Approval Request – 2011 PAC 13340

We have received and reviewed the written notice from the Illinois Department of Central Management Services (CMS) of its intention to deny disclosure of some of the records requested by Mr. John Chase of the *Chicago Tribune* under the Illinois Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.* Mr. Chase requested records relating to any contracts within the past year between CMS and any private entities in which CMS sought an analysis of its real-estate portfolio in an effort to identify underutilized or redundant space.

CMS seeks preauthorization from the Public Access Counselor to assert an exemption for some responsive documents under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)), which exempts from disclosure “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies and actions are formulated.”

As a result of our review, we have determined that it is appropriate for CMS to decline to disclose most of the documents in question under Section 7(1)(f) because they are predecisional documents relied upon by CMS in making decisions relating to a contract. *See Harwood v. McDonough*, 344 Ill. App. 3d 242, 247-48 (1st Dist. 2003). Preauthorization to withhold those documents as exempt under Section 7(1)(f) is therefore allowed.

Six pages of e-mails and a document entitled “Compliance, Conflict of Interest and Confidentiality Statement” are not predecisional documents, however. Therefore, the Section 7(1)(f) exemption is inapplicable and preauthorization is denied with respect to those documents. Copies of the documents for which preauthorization is denied are enclosed to CMS only.

If you have any questions, please feel free to contact me at 312-814-2770. This correspondence

will serve to close the matter.

Sincerely,



John Schmidt
Assistant Public Access Counselor

cc: Mr. John Chase
Chicago Tribune
435 North Michigan Ave.
Chicago, Illinois 60611-4066

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