



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 12, 2011

Ms. Kathleen R. Ward
FOIA Officer
Illinois Department of Human Services
100 W. Randolph St., Suite 6-400
Chicago, IL 60601

Re: Pre-Authorization Request – 2011 PAC 13346
FOIA Requester: Ms. Brenda Berry - Solutran

Dear Ms. Ward:

We have received and reviewed the written notice from the Illinois Department of Human Services (IDHS) of its intention to deny disclosure of a 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 11, 2011, Ms. Brenda Berry of Solutran submitted a FOIA request to IDHS for "evaluation comments, scoring, and copies of all other responses to" RFP 22020515 FY 12 WIC Banking RFP 54937.

In its written notice, IDHS asserts that evaluator's comments contained within the requested records are opinions from the preliminary stage of the decision-making process and have been withheld from disclosure under Section 7(1)(f) of FOIA.

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."

IDHS' use of the Section 7(1)(f) exemption with regard to the withheld comments is **approved**. After review of the information provided, our office has determined that the withheld comments are opinions that were part of the decision-making process. Further, IDHS has indicated that the records have not been publicly cited or identified by the IDHS or its Secretary. Accordingly, IDHS 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,

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Rebecca Riddick
Assistant Public Access Counselor

cc: Ms. Brenda Berry
National Account Executive – WIC
Solutran
3600 Holly Lane, Suite 60
Minneapolis, MN 55447