



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 14, 2011

Yvonne Decker
Deputy Freedom of Information Officer
City of Highland Park
1677 Old Deerfield Road
Highland Park, IL 60035

RE: Pre-Authorization Request – 2011 PAC 13436

Dear Ms. Decker:

We have received and reviewed the written notice from the City of Highland Park 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 29, 2011, [REDACTED] submitted a FOIA request to the City, seeking several records. In its written notice, the City asserts that the record responsive to Mr. Carbajal's request for "any memos, emails, letters or drafts regarding executive merit pay from 2010 through 2011" is in draft form and thus, is exempt from disclosure under 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."

The City's use of Section 7(1)(f) exemption with regard to the draft document is **approved**. We have determined that the draft document is a preliminary record that is being utilized by the City in its decision-making process regarding a specific matter. Furthermore, the City has indicated that the draft document has not been publicly cited or identified by the City's Mayor. Accordingly, the City has met its initial burden of demonstrating that this document 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:



13436 preauth al 71f prelim draft mun