



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

April 11, 2011

Village of Glen Ellyn  
Patricia Underhill, FOIA Officer  
Via email: [pattyu@glenellyn.org](mailto:pattyu@glenellyn.org)

Re: Pre-authorization request – 2011 PAC 13448

Dear Ms. Underhill:

We have received from the Village of Glen Ellyn a notice of intention to deny disclosure of records requested by Jenn Zimmerman of the *Chicago Tribune* under the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. Ms. Zimmerman requested “copies of the most recent employee opinion survey results, including all written summaries and all written comments.” The Village requested pre-authorization to withhold those records pursuant to Section 7(1)(f) (5 ILCS 140/7(1)(f)).

Section 7(1)(f) 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.” 5 ILCS 140/7(1)(f). The Section 7(1)(f) exemption applies to “predecisional materials used by a public body in its deliberative process.” *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247, 799 N.E.2d 859, 864 (1st Dist. 2003). The exemption is “intended to protect the communications process and encourage frank and open discussion among agency employees before a decision is made.” *Id.* at 248, 799 N.E.2d at 864.

The Village’s request for pre-authorization to withhold the records pursuant to Section 7(1)(f) is **approved**. We have reviewed the survey results, which include statistics measuring Village employees’ opinions on a wide range of topics as well as individual comments and recommendations. The Village indicated that it is using the survey results to formulate actions and policies regarding employee management. We have determined that these records are predecisional in nature, and the Village has asserted that the Village president has not publicly cited and identified the survey. In addition, we determined in 2010 PAC 5558 that similar records of a

public employee survey are exempt from disclosure under Section 7(1)(f). Accordingly, we conclude that the Village has sustained its initial burden of demonstrating that these survey records are exempt from disclosure pursuant to Section 7(1)(f).

This letter shall serve to close this file. If you have any questions, please feel free to contact me at 312-814-6756 or [ssilverman@atg.state.il.us](mailto:ssilverman@atg.state.il.us).

Sincerely,



Steve Silverman  
Assistant Public Access Counselor

cc: Jenn Zimmerman, reporter  
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