



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

Lisa Madigan  
ATTORNEY GENERAL

April 12, 2011

Ms. Sherry Tite  
Freedom of Information Act Officer  
Wood River Township  
41 South Ninth St.  
East Alton, IL 62024

RE: FOIA Preauthorization Request No. 2010 PAC 8054

Dear Ms. Tite:

The Office of the Public Access Counselor has received and reviewed the written notice from Wood River Township of its intention to deny in part the requests for records submitted by four township residents based on Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f). Section 7(1)(f) exempts from disclosure "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies and actions are formulated." This Office has also reviewed the documents that you sent us in response to a further inquiry letter.

The four requestors sought a CD of a June 16, 2010 Township Board meeting along with notes that Township Supervisor Babcock had with him when he made a statement at the meeting. The Township proposes to provide the CD of the meeting but to withhold Superintendent Babcock's notes under subsection 7(1)(f) of FOIA.

After reviewing the documents, we have concluded that the Village has failed to meet its burden of showing by clear and convincing evidence that Superintendent Babcock's notes are exempt from disclosure. 5 ILCS 140/1.2. The Section 7(1)(f) exemption applies to predecisional materials that a public body uses in its deliberative processes. *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247 (1<sup>st</sup> Dist. 2003). The Township has presented no evidence indicating that Superintendent Babcock's notes are a predecisional document. Instead, the notes contain a prepared statement that Superintendent Babcock gave at the June 16, 2010 Board meeting informing the public of the reasons for an action that the Board had already decided to take. Accordingly, the Village has failed to show that the memorandum is exempt from disclosure under Section 7(1)(f). The Village's request for preauthorization to assert an exemption under Section 7(1)(f) is therefore denied.

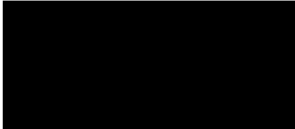
If you have any questions, please feel free to contact me at 312-814-2770. This correspondence will serve to close the matter.

Sincerely,



John Schmidt  
Assistant Attorney General

cc:



8054 pre-auth dl 71f prelim draft twp