



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 14, 2010

John Costello
FOIA Officer
Office of the Attorney General
500 South Second Street
Springfield, IL 62706

RE: Pre-Authorization Request – 2010 PAC 10066
Requester: Stephen Hedinger

Dear Mr. Costello:

We have received and reviewed the written notice from the Office of the Attorney General (OAG) of its intention to deny disclosure of certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f). On September 22, 2010, Mr. Stephen Hedinger of Sorling, Northrup, Hanna, Cullen & Cochran, Ltd. submitted a request for “[a]ll documents pertaining to requests for reimbursement of costs of indemnification from the leaking underground storage tank fund as provided for in 415 ILCS 5/57.8(c).” The OAG asserts that some of the responsive records are exempt from disclosure under Section 7(1)(f) of FOIA.

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 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).

Determination

We have determined that the OAG’s use of the exemption in Section 7(1)(f) with regard to these records is approved. These records are memoranda and draft letters which were used to formulate the OAG’s actions. The OAG asserts that none of these records has been publicly cited or identified by the Attorney General. Thus, the OAG has met its initial burden of showing that these records are exempt from disclosure under Section 7(1)(f).

Should you have any questions or concerns, feel free to contact Sarah Kaplan at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Amalia Rioja by SRK

Amalia Rioja
Chief Deputy Public Access Counselor

cc: Stephen Hedinger
Sorling, Northrup, Hanna, Cullen & Cochran, Ltd.
607 E. Adams St., Suite 800
P.O. Box 5131
Springfield, IL 62705

10066 preauth al 71f prelim draft sa