



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

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October 14, 2010

Atty. Kevin B. Gordon
Scariano, Hines and Petraca
Two Prudential Plaza
Suite 3100
180 North Stetson
Chicago, IL 60601-6702

Re: Pre-authorization request – 2010 PAC 9980

Dear Mr. Gordon:

We have received from the Board of Education of Hinsdale Township High School District 86 (School District) a notice of intention to deny information requested under the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended. [REDACTED] requested copies of surveys in which parents of student-athletes rated the School District's tennis program and tennis coaches for the 2008, 2009 and 2010 seasons. The School District asserts that the surveys are exempt from disclosure pursuant to Section 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). Section 7(1)(f) expresses a public policy in favor of exempting from disclosure "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).

Determination

The School District's request to withhold the records pursuant to Section 7(1)(f) is *approved*. We have reviewed reports that compiled survey answers and comments. We have concluded that those records are preliminary documents used in the School District's decision-making process for the tennis program. Responses to the surveys included many recommendations and

strong opinions. The School District states that the survey was intended to provide school officials with feedback to consider in making future decisions about the tennis program. Indeed, an e-mail message from the athletic director invited parents to take the 2010 survey specifically to assist the athletic director in evaluating sports programs.


Additionally, the School District indicated that the records have not been publicly cited or identified by the president of the School Board. Therefore, the School District has met its initial burden of demonstrating the records are exempt under 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.

Sincerely,

Cara Smith
Public Access Counselor

By:


Steve Silverman
Assistant Public Access Counselor

cc:

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