



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 22, 2011

Delores J. Martin
Director and Deputy Director
Illinois Court of Claims
630 South College
Springfield, Illinois 62756

RE: Pre-Authorization Request – 2011 PAC 13595

Dear Ms. Martin:

We have received and reviewed the written notice from the Illinois Court of Claims of its intention to deny disclosure of certain information pursuant to Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

Specifically, on March 13, 2011, [REDACTED] submitted a FOIA request to the Court of Claims, seeking a copy of Commissioner Abgionis' recommendation that was filed in case number 08-CC-1989. In its written notice, the Court of Claims asserts that the requested report 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." *Id.*

The Court of Claims' use of the Section 7(1)(f) exemption with regard to the requested record is approved. We have determined that the requested Commissioner's recommendation is a pre-decisional document solicited and utilized by the Court of Claims in its decision-making process regarding a specific matter. Accordingly, the Court of Claims has met its initial burden of demonstrating that the requested record 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:



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