



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 25, 2010

Mr. Curt Clemons-Mosby
Freedom of Information Act Officer
Governor's Office of Management and Budget
603 Stratton Building
Springfield, Illinois 62706

Re: FOIA Pre-Authorization Request 10275

Dear Mr. Clemons-Mosby:

We have received and reviewed the written notice from the Governor's Office of Management and Budget (GOMB) of its intention to withhold certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

Specifically, [REDACTED] submitted a FOIA request on October 13, 2010 to GOMB seeking copies of "documentation, including electronic, concerning the reinstatement of Neil Rossi during the Summer/Fall of 2009." On September 27, 2010, GOMB submitted a Pre-Authorization Request with this Office explaining that the information sought by [REDACTED] is exempt from disclosure pursuant to Section 7(1)(f), which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies 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).

Determinations

GOMB's request for approval of its decision to withhold information pursuant to Section 7(1)(f) is approved. The Section 7(1)(f) exemption is intended to encourage government officials to openly and frankly discuss matters of governmental concern in order to make informed policy decisions. See *N.L.R.B. v. Sears*, 421 U.S. 132 (1975), *Hoffman v. Ill. Dept. of Corrections*, 158 Ill.App.3d 473, 511 N.E.2d 759 (1st Dist. 1987). Our Office has reviewed the information supplied to us by GOMB and we have concluded that the documents reflect the preliminary decisions and opinions of GOMB and accordingly falls within the scope of Section 7(1)(f).

Additionally, there is no evidence that this information has been publicly cited and identified by the head of the public body. 5 ILCS 140/7(1)(f).

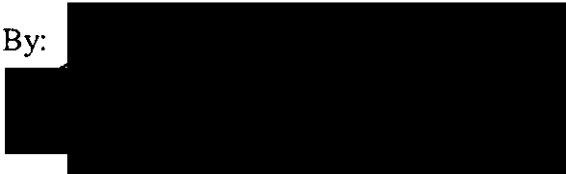
Based on this analysis, GOMB has met its initial burden under Section 7(1)(f) and may withhold the documents in question.

Should you have any questions or concerns, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


Matthew C. Rogina
Assistant Public Access Counselor

cc: