



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

Lisa Madigan
ATTORNEY GENERAL

October 26, 2010

Jeff Johnson
FOIA Officer
Illinois Department of Public Health
525-35 West Jefferson Street
P.O. Box 19276
Springfield, IL 62761-0001

Re: Pre-authorization request – 2010 PAC 9454

Dear Mr. Johnson:

We have received from the Department of Public Health (Department) a request for pre-authorization to withhold a record in response to Carmen Crockett's request for information under the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. Ms. Crockett filed a FOIA request seeking numerous documents related to a "Workplace Violence incident" on July 14, 2010. The Department's response included a request for pre-authorization under Section 7(1)(f) to withhold one internal e-mail message.

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). We have reviewed the internal e-mail message and determined that it is preliminary in nature and regards formulating action for an investigation into the incident. There is no indication that the record has been publicly cited by the director of the Department.

Accordingly, we find that the Department has met its initial burden of demonstrating that the internal e-mail message is exempt from disclosure under Section 7(1)(f). The Department also intends to redact additional information from the records requested by Ms. Crockett pursuant to the exemptions in Section 7(1)(b) and Section 7(1)(m). Our office has not analyzed the use of

those exemptions at this time because the Department does not require pre-authorization to assert them.

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: Ms. Carmen Crockett
AFSCME Local 805
P.O. Box 20002
Springfield, IL 62708

9454 preauth al 7(1)(f) prelim draft sa