



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 26, 2010

Deborah J. Fortier, Esq.
Special Counsel
CCHHS General Counsel's Office
1900 West Polk Street
Ste. 104
Chicago, Illinois 60612

RE: Pre-Authorization Request – 2010 PAC 9691

Dear Ms. Fortier:

This letter responds to the above-referenced Pre-Approval Request submitted by the Cook County Health and Hospital Systems (CCHHS) with respect to its intention to deny disclosure of certain emails pursuant to Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f).

On July 30, 2010, [REDACTED] submitted a revised FOIA request to CCHHS, in which he sought certain records, including the following:

All memoranda or other written and email communications prepared, sent or received in 2010, by and among, CCHHS Board members, Cook County Commissioners, the Director of Procurement, Anthony Tedeschi, Leslie Duffy, both internally and with UHC Novation GPO and/or Standard Textile and Superior Linen, concerning (a) the award of the laundry linen service contract to Standard Textile Co., Inc, and (b) Item 4 of our initial request, including meeting agendas, presentation materials or handouts, minutes of meetings and the Procurement Director's correspondence file.

In its written notice, CCHHS asserts that the emails contained in the accounts of Dr. Anthony Tedeschi and Ms. Leslie Duffy are exempt from disclosure under Section 7(1)(f) of FOIA (5 ILCS 5/140-7(1)(f)) because these emails comprise internal, intra-agency communications that are preliminary and deliberative regarding the contract process and decision to negotiate and enter into a contract.

On September 29, 2010, this Office sent a further inquiry letter to CCHHS, requesting a copy of the emails that CCHHS is seeking to withhold from disclosure under Section 7(1)(f) of FOIA. On October 18, 2010, CCHHS provided the requested documents for our review.

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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.”

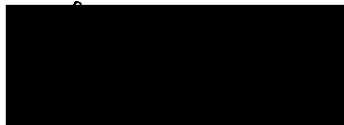
CCHHS’s use of the Section 7(1)(f) exemption with regard to the withheld emails, contained in the accounts of Dr. Anthony Tedeschi and Ms. Leslie Duffy, is **approved**. Based on our review of the documents provided by CCHHS, we have determined that the withheld emails contain opinions and recommendations that were relied upon by CCHHS in its decision-making process regarding various matters. Accordingly, CCHHS has met its burden of demonstrating that the withheld emails are exempt from disclosure under Section 7(1)(f) of FOIA.

If you have any questions, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

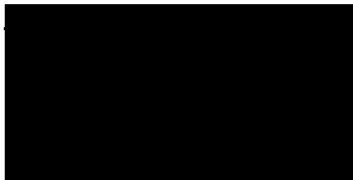
Cara Smith
Public Access Counselor

By:



Tola Sobitan
Assistant Public Access Counselor

cc:



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