



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 21, 2010

Janet Traven
City Clerk/FOIA Officer
City of Joliet
150 West Jefferson Street
Joliet, IL 60432

RE: Pre-Authorization Request – 2010 PAC 9841
Requester: [REDACTED]

Dear Ms. Traven:

We have received and reviewed the written notice from the City of Joliet (City) of its intention to deny disclosure of certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f).

On September 17, 2010, [REDACTED] submitted a FOIA request for “[a]ny and all email to or from Joliet Police Commander Ben Billups #5 ... on 08/02/10. Specifically an email sent at approximately 9:30 a.m. Monday, August 2, 2010 with the subject heading Promotional Testing. I am requesting a list of all the recipients of this email and any and all responses.” On September 25, [REDACTED] requested “all emails to and from Commander Ben Billups ... regarding the police promotional exam, any study group information, any communications in regards to the Black Police Officers Association B.P.O.A.” In a telephone conversation on October 21, 2010, the City informed us that the only record responsive to either of these requests is an email from Commander Billups that the City asserts is exempt from disclosure under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)), which exempts from inspection and copying “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions 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.” For convenience, this letter addresses both of the City’s requests for pre-authorization to deny disclosure of this email in response to [REDACTED] requests.

Determination

We have determined that the City’s use of the exemption in Section 7(1)(f) of FOIA with regard to the email is approved. The City has explained that this email is an internal memorandum that

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contains a recommendation and the Commander's opinion. The City asserts that this email has never been publicly cited or identified by the Mayor. Thus, the City has met its initial burden of showing that the record is exempt from disclosure under Section 7(1)(f).

Should you have questions or concerns, feel free to contact Sarah Kaplan at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Amalia Rioja by SRK

Amalia Rioja
Chief Deputy Public Access Counselor

cc:



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