



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 28, 2011

Gary Schurz
Superintendent, Johnston City
Community Unit School District No. 1
1103 Monroe Avenue
Johnston City, Illinois 62951

RE: Pre-authorization Request – 2011 PAC 11767

Dear Mr. Schurz:

We have completed our review of Johnston City Community Unit District No. 1's notice of its intent to deny certain information requested by [REDACTED] under the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

On January 3, 2011, [REDACTED] an employee of the District, requested "a copy of the report compiled by [REDACTED] concerning the issue between myself and [REDACTED]" The District requested pre-authorization to withhold the requested report under sections 7(1)(c) and 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)).

Determination

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." The Section 7(1)(f) exemption applies to "inter- and intra-agency predecisional and deliberative material." *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247, 799 N.E.2d 859, 864 (1st Dist. 2003). The exemption is "intended to protect the communications process and encourage frank and open discussion among agency employees before a decision is made." *Id.* at 248, 799 N.E.2d at 864.

The request for pre-authorization to withhold the requested document pursuant to Section 7(1)(f) is **approved**. After reviewing the memorandum at issue, we have concluded that it contains opinions and recommendations regarding an internal investigation and therefore falls within the scope of Section 7(1)(f). In addition, there is no indication that the requested record was publicly

cited by the head of the public body. Accordingly, we conclude that the District has sustained its initial burden of demonstrating that the requested records is exempt from disclosure under Section 7(1)(f).

Please note that we are not making a determination regarding whether the requested record is exempt under Section 7(1)(c) because we have concluded that this record is exempt under Section 7(1)(f). In addition, we express no opinion regarding the applicability of other-asserted exemptions since prior approval by the Public Access Counselor is not required for the assertion of exemptions other than Section 7(1)(c) and Section 7(1)(f).

If you have any questions, please call me at 312-814-5206. This correspondence shall serve to close this matter.

Sincerely,



Amalia Rioja
Acting Public Access Counselor

cc:



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