



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 3, 2011

Yolanda Cervantes
FOIA Officer
Illinois Department of Labor
by email: yolanda.cervantes@illinois.gov

RE: FOIA Pre-Authorization Request – 2011 PAC 13808

Dear Ms. Cervantes:

We have received and reviewed the written notice from the Illinois Department of Labor (IDOL) of its intention to deny disclosure of certain information pursuant to section 7(1)(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010). IDOL seeks to withhold an investigator's notes.

Mr. George Petrilli submitted a FOIA request to IDOL for records relating to IDOL File # 2010-PW-TD04-0972 on April 11, 2011. In its written notice, IDOL asserts that notes taken by an investigator are exempt from disclosure under section 7(1)(f) of FOIA.

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 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."

DETERMINATION

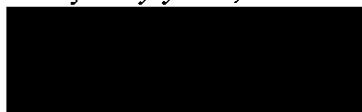
IDOL's use of the exemption in section 7(1)(f) to withhold these notes is **approved**. IDOL explained that these notes were preliminary, they contain the investigator's opinions, and they were used to prepare an audit report. The final version of the audit report has been released to the requester. IDOL asserts that these notes have not been publicly cited or identified by the Director. Therefore, we have determined that IDOL has met its initial burden to demonstrate that these notes are exempt under section 7(1)(f).

Illinois Department of Labor
May 3, 2011
Page 2 of 2

Accordingly, IDOL may issue a partial denial letter and release the non-exempt records, if it has not already done so.

If you have any questions, please contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Very truly yours,



SARAH KAPLAN
Assistant Attorney General
Public Access Bureau

cc: George Petrilli
Stratton, Giganti, Stone, Moran & Radkey
725 South Fourth Street
Springfield, Illinois 62703