



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 3, 2011

Robin Kaler
Associate Chancellor for Public Affairs
507 E. Green St., Ste. 313
Champaign, IL 61820

RE: FOIA Pre-Authorization Request - 2011 PAC 13828

Dear Ms. Kaler:

We have received and reviewed the written notice from the University of Illinois of its intention to deny certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (5 ILCS 140/7(1)(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010).

Vlad Bobrek submitted a FOIA request for records regarding Request for Proposal (RFP) 1DGS1104 on April 21, 2011. In its written notice, the University asserts that records regarding evaluations of the proposals are exempt from disclosure under section 7(1)(f).

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.” 5 ILCS 140/7(1)(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010. 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.

DETERMINATION

The University’s use of the exemption in section 7(1)(f) for the evaluation records is **approved**. The records consist of an evaluation sheet that ranked proposals for the sale of a powerful microscope and a memorandum describing the evaluations. Those records are preliminary in nature and contain notes, opinions and a recommendation regarding the University’s purchase of a microscope. Additionally, there is no indication that the records have been publicly cited by the head of the public body.

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Accordingly, the University may issue a partial denial letter and release other records responsive to the request, if it has not already done so.

If you have any questions, please contact me at (312) 814-6756. This correspondence shall serve to close this matter.

Very truly yours,



STEVE SILVERMAN
Assistant Attorney General
Public Access Bureau

cc: Vlad Bobrek
- *Via email:* Vlad.Bobrek@witec-instruments.com