



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 11, 2011

Mr. Joshua Jones
Freedom of Information Officer
Illinois Attorney General's Office
500 S. Second Street
Springfield, Illinois 62706

RE: FOIA Pre-Authorization Request - 2011 PAC 13220

Dear Mr. Jones:

We have received and reviewed the written notice from the Illinois Attorney General's Office 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).

On March 22, 2011, Ms. Dane Simpson submitted a FOIA request for information regarding a specific complaint and investigation. In its written notice, the Attorney General's Office asserts that certain email communications among staff members, as well as investigative reports, contained within the requested records, 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 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.

DETERMINATION

The Attorney General's Office's use of the exemption in section 7(1)(f) to withhold the investigative report contained within the requested records is **approved**. Based on a review of the documents provided by the Attorney General's Office, we have determined that the report is an internal record that is being utilized by the Attorney General's Office in its

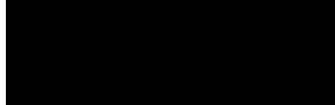
Mr. Joshua Jones
May 11, 2011
Page 2

decision-making process regarding a specific matter. Furthermore, there is no indication that this report has been publicly cited or identified by the Illinois Attorney General. Accordingly, the Attorney General's Office has met its initial burden of demonstrating that the investigative report is exempt from disclosure under section 7(1)(f) of FOIA.

Further, the Attorney General's Office's use of the exemption in section 7(1)(f) to withhold certain email correspondence between staff members and other individuals, excluding the requester, is **approved**. We have determined that the email correspondence, that was neither received nor sent by the requester, constitutes pre-decisional material in which opinions and recommendations were expressed. Further, there is no indication that the email correspondence has been publicly cited or identified. Consequently, the Attorney General's Office has met its initial burden of demonstrating a basis for withholding this information.

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

Very truly yours,



TOLA SOBITAN
Assistant Attorney General
Public Access Bureau

cc: Ms. Dane Simpson
Field Supervisor
MRFFC
1 North Old State Capitol Plaza
Suite 525
Springfield, IL 62701

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