



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 11, 2011

Ms. Cynthia A. Flemmonds
Lake County Purchasing Division
18 N. County St., 9th Floor
Waukegan, IL 60085

RE: FOIA Pre-Authorization Request - 2011 PAC 13920

Dear Ms. Flemmonds:

We have received and reviewed the written notice from the Lake County Purchasing Division (County) of its intention to deny the 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). 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."

On April 21, 2011, Ms. Masha Sorin of MIR3 INC submitted a FOIA request for:

Records of copies of all documents, Requests for Proposals and vendor bids in regards to emergency notification copies of competitors request for proposals submitted, copies of out submitted RFPs, RFP score sheets, all notes, call records, and all documentation of the awarded negotiations, including the final contract and pricing in regards to emergency notification vendors and providers [sic].

In its written notice, the County asserts that "RFP score sheets, all notes, call records, and all documentation of the awarded negotiations" are exempt from disclosure under section 7(1)(f) of FOIA.


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DETERMINATION

The County's use of the exemption in section 7(1)(f) is **approved**. After reviewing the information provided, our office has determined that the withheld records are documents in which opinions were expressed and policies or actions were formulated. Further, the documents have not been publicly cited by the head of the public body. Accordingly, the County has met its initial burden of demonstrating that the withheld information is exempt from disclosure under Section 7(1)(f) of FOIA and may issue a partial denial letter and release the remaining documents, if it has not already done so.

If you have any questions, please contact our office at (877) 299-3642. This correspondence shall serve to close this matter.

Very truly yours,



REBECCA RIDDICK
Assistant Attorney General
Public Access Bureau

cc: Ms. Masha Sorin
MIR3 INC
3398 Carmel Mountain Road
San Diego, IL 92121

13920 pre-auth al 71f prelim draft county