



**OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS**

**Lisa Madigan**  
ATTORNEY GENERAL

November 4, 2010

Via E-mail

Lola Dada-Olley  
Associate General Counsel  
Office of Governor Pat Quinn  
State of Illinois  
100 W. Randolph, 16<sup>th</sup> Floor  
Chicago, Illinois 60601  
[Lola.Dada-Olley@Illinois.gov](mailto:Lola.Dada-Olley@Illinois.gov)

RE: Pre-authorization Request – 2010 PAC 10406

Dear Ms. Dada-Olley:

We have received and reviewed the written notice from the Office of the Governor of its intention to deny certain information as exempt from disclosure under sections 7(1)(c) and 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

On October 12, 2010, [REDACTED] submitted a FOIA request seeking “all correspondence and records pertaining to the ‘River’s Edge Redevelopment Project’ between the Governor’s office, Senator Noland, the City of Elgin and Representative Farnham’s office.”

In its written notice, the Office of the Governor asserted that it intends to withhold certain documents in their entirety under Section 7(1)(f) (5 ILCS 140/7(1)(f)) and to make one redaction under 7(1)(c) (5 ILCS 140/7(1)(c)).

Section 7(1)(f) allows withholding of:

[p]reliminary drafts, notes, recommendations, memoranda or other documents 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.

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The Office of the Governor's request for approval of its decision to withhold 31 pages of documents pursuant to Section 7(1)(f) is approved. After reviewing the withheld documents, we have determined that these records constitute preliminary drafts, notes, recommendations or other documents in which opinions are expressed or policies or actions are formulated and, thereby, fall within the definition of Section 7(1)(f). In addition, the withheld documents have not been publicly cited or identified by the Governor. Therefore, the Governor's Office has met its burden of demonstrating that these documents are exempt from disclosure under Section 7(1)(f) of FOIA.

The Office of the Governor also made one redaction to an email pursuant to Section 7(1)(c). Section 7(1)(c) of FOIA exempts from inspection and copying "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless disclosure is consented to in writing by the individual subjects of the information." The exemption defines "[u]nwarranted invasion of personal privacy" as "the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." *Id.* That provision also states that the disclosure of information that bears on the public duties of public employees is not considered an invasion of personal privacy. *Id.*

The Office of the Governor's request for approval of its decision to make one redaction to a single email pursuant to 7(1)(c) redaction is approved. We have determined that the disclosure of the redacted information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). The redacted information is highly personal and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. Therefore, the Governor's Office has met its burden of demonstrating that the redacted information is exempt from disclosure under Section 7(1)(c) of FOIA.

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

Sincerely,

Cara Smith  
Public Access Counselor

By: 

Amiana Kioja  
Chief Deputy Public Access Counselor

cc: 

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