



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan

ATTORNEY GENERAL

November 8, 2010

Thomas Reuter
Acting FOIA Coordinator
Illinois Environmental Protection Agency
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

RE: Pre-Authorization Request – 2010 PAC 10437

Requester: [REDACTED]

Dear Mr. Reuter:

We have received and reviewed the written notice from the Illinois Environmental Protection Agency (IEPA) of its intention to deny disclosure of certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f). On October 7, 2010, [REDACTED] submitted a request for records relating to Innophos Properties at 612 East 138th Street, Chicago. The IEPA asserts that one of the responsive records is 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.” 5 ILCS 140/7(1)(f).

Determination

Based upon our review, we approve the IEPA’s use of the exemption in Section 7(1)(f) with regard to the withheld document. This record is a draft that was used by the IEPA to formulate policies or actions. The IEPA asserts that this record has not been publicly cited or identified by the Director of the IEPA. Thus, the IEPA has met its initial burden of showing that these records are exempt from disclosure under Section 7(1)(f).

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Should you have any questions or concerns, feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


Sarah Kaplan
Assistant Public Access Counselor

cc:



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