



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 16, 2011

Via electronic mail

Ms. Sunny Clark
Freedom of Information Act Officer
Central Management Services
720 Stratton Office Building
401 S. Spring St
Springfield, Illinois 62706
Sunny.Clark@illinois.gov

RE: FOIA Pre-Authorization Request - 2011 PAC 13964

Dear Ms. Clark:

We have received and reviewed the written notice from the Department of Central Management Services (CMS) 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). Specifically, on April 28, 2011, [REDACTED] submitted a FOIA request to CMS for a back wage claim that CMS has on file with regard to Mr. Foster.

Section 7(1)(f) of FOIA exempts from inspection and copying "preliminary 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

CMS' use of the exemption in section 7(1)(f) to the withhold the notes and emails is **approved**. The section 7(1)(f) exemption is intended to encourage government officials to openly and frankly discuss matters of governmental concern in order to make informed policy decisions. *Harwood v. McDonough*, 344 Ill. App. 3d 242, 248 (1st Dist. 2003). "[T]he

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deliberative process privilege protects pre-decisional, deliberative communications that are part of an agency's decision-making process." *Parmelee v. Camparone*, No. 93 C 7362, 1998 WL 704181 (N.D. Ill. October 1, 1998).

We have reviewed the documents furnished to us by CMS and concluded that it has met its initial burden of demonstrating that the documents consist of opinions and recommendations by CMS about [REDACTED] claim. There also exists no evidence that the emails or notes have been publicly cited or identified by the head of CMS. As a result, CMS may withhold the notes and emails.

If you have any questions, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Very truly yours,

[REDACTED]

MATTHEW C. ROGINA
Assistant Attorney General
Public Access Bureau

cc:

[REDACTED]

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