



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 16, 2011

Ms. Sheila Washburn
FOIA Officer
Illinois Department of Revenue
101 West Jefferson Street, MC6-595
Springfield, Illinois 62702

RE: FOIA Pre-Authorization Request – 2011 PAC 14055

Dear Ms. Washburn:

We have received and reviewed the written notice from the Illinois Department of Revenue (IDOR) 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 April 13, 2011, Mr. John Stevens of Freeborn & Peters LLP submitted a four-page FOIA request containing ten (10) numbered requests. Request number six sought "any record addressing, discussing, or otherwise relating to the Kroll Intralot Memo or any drafts of that memo, including but not limited to any communication to or from – or otherwise involving – Kroll, Wyman, DLA Piper, the Office of the Governor, or some combination of these." In its written notice, IDOR asserts that the preliminary drafts of the Kroll Report are exempt under section 7(1)(f).

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."

DETERMINATION

IDOR's use of the exemption in section 7(1)(f) to withhold the drafts of the Kroll Report is **approved**. These drafts were subject to revision before this report was finalized and released to the public. IDOR asserts that none of the drafts were publicly cited or identified by

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the Director. We conclude that IDOR has met its initial burden of demonstrating that the draft reports are exempt under section 7(1)(f).

If you have any questions, please contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Very truly yours,

A solid black rectangular box redacting the signature of Sarah Kaplan.

SARAH KAPLAN
Assistant Attorney General
Public Access Bureau

cc: Mr. John Stevens
Freeborn & Peters LLP
217 East Monroe Street, Suite 202
Springfield, Illinois 62701-1147